

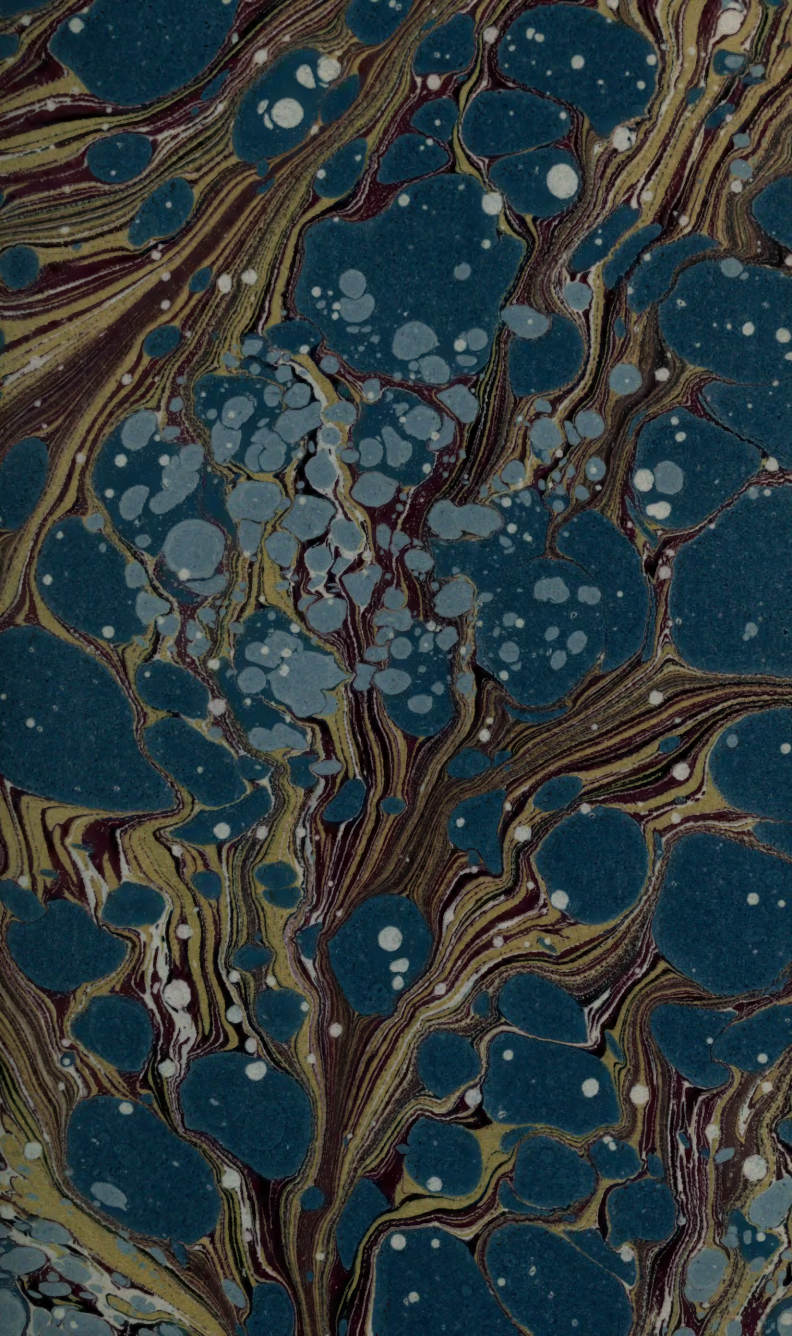


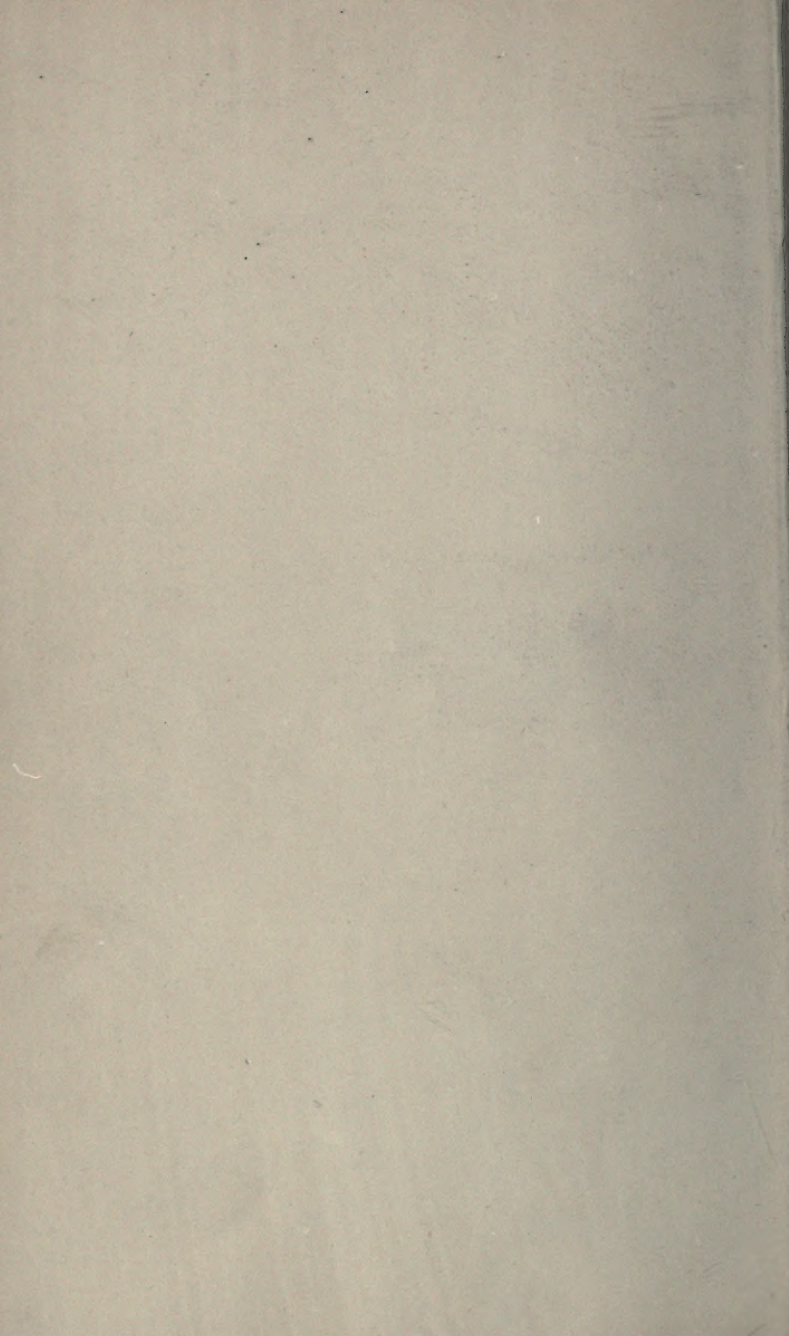
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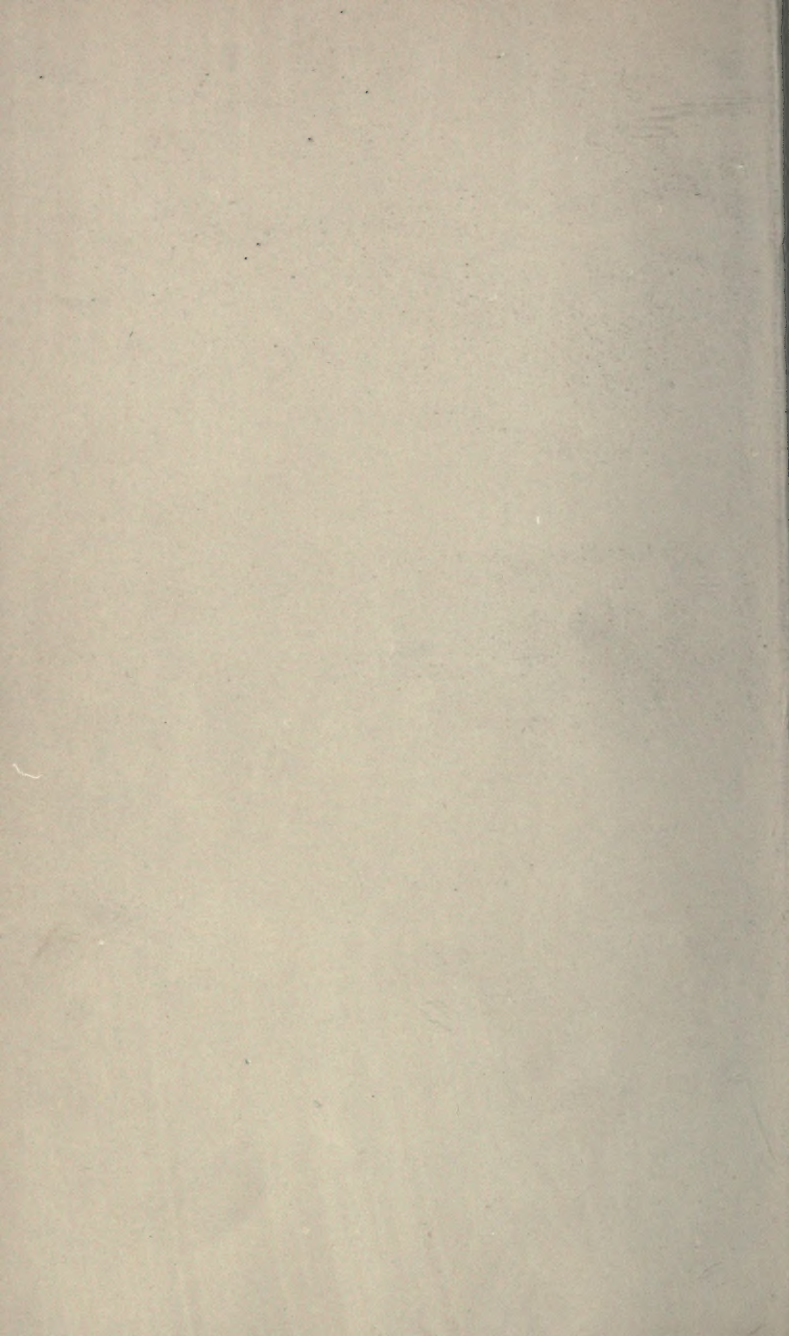




Alfred Mellor Watkin.









Wade & Suckley 4. 352 Strand.

BRATED TRIALS,
AND
Remarkable Cases
OF
CRIMINAL JURISPRUDENCE.

FROM
THE EARLIEST RECORDS
TO
THE YEAR 1825.

[Ed. George Barker]

"THE Annals of Criminal Jurisprudence exhibit human nature in a variety of positions, at once the most striking, interesting, and affecting. They present tragedies of real life, often heightened in their effect by the grossness of the injustice, and the malignity of the prejudices which accompanied them. At the same time real culprits, as original characters, stand forward on the canvas of humanity as prominent objects for our special study. I have often wondered that the English language contains no book like the *Causes Celebres* of the French, particularly as the openness of our proceedings renders the records more certain and accessible, while our public history and domestic conflicts have afforded so many splendid examples of the unfortunate and the guilty. Such a collection, drawn from our own national sources, and varied by references to cases of the continental nations, would exhibit man as he is in action and in principle, and not as he is usually drawn by poets and speculative philosophers."

BURKE.

IN SIX VOLUMES.

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REMARKABLE TRIALS,

AND

CELEBRATED CRIMINALS.

THE REV. JAMES HACKMAN,

FOR THE MURDER OF MISS REAY, APRIL, 1779.

MR. HACKMAN was an officer in the sixty-eighth regiment, and being at Huntingdon on a recruiting party, he was frequently invited to dine with Lord Sandwich, at Hinchinbrooke House; and here he first became acquainted with Miss Reay, who lived under the protection of that nobleman. No sooner had Hackman seen her than he became enamoured of her; and desirous of improving his condition, as he could not obtain promotion in the army, he turned his thoughts to the church, and, entering into orders, obtained the living of Wiverton in Norfolk.

A correspondence had taken place between him and Miss Reay, which continued for several years, displaying great warmth of mutual affection, with much coquetish dalliance on the part of the lady. It was collected and published by DR. HERBERT CROFT, in a volume called *Love and Madness*, now become scarce; and the interesting, affecting, and romantic, character of the whole, leads us to reprint it.

To Miss Margaret Reay.

Huntingdon, Dec. 4, 1774.

Dear M.—Ten thousand thanks for your billet by my corporal Trim yesterday. The fellow seemed happy to have been the bearer of it, because he saw it made *me* happy. He will be as good a soldier to Cupid as to Mars, I dare say. And Mars and Cupid are not now to begin their acquaintance, you know. Which ever he serves, you may command him of course, without a compliment; for Venus, I need not tell *you*, is the mother of Cupid, and mistress of Mars.

At present the drum is beating up under my window for volunteers to Bacchus—In plain English, the drum tells me dinner is ready; for a drum gives us bloody-minded heroes an appetite for eating, as well as for fighting; nay, we get up by the beat of it, and it every night sends, or ought to send, us to bed and to sleep. To-night it will be late before I get to one or the other, I fancy—indeed, the thoughts of you would prevent the latter. But, the next disgrace to refusing a challenge, is refusing a toast. The merit of a jolly fellow and of a sponge is much about the same. For my part, no glass of any liquor tastes as it should to me, but when I kiss my M. on the rim.

Adieu—Whatever hard service I may have after dinner, no quantity of wine shall make me yet drop or forget my appointment with you to-morrow. We certainly were not seen yesterday, for reasons I will give you.

Though you should persist in never being mine, Ever, ever your's.

Huntingdon, Dec. 6, 1775.

My Dearest Margaret.—No—I will not take advantage of the sweet, reluctant, amorous confession which your candour gave me yesterday. If to make me happy be to make my M. otherwise; then, happiness, I'll none of thee.

And yet I *could* argue. Suppose he *has* bred you up—Suppose you *do* owe your numerous accomplishments, under genius, to him—are you therefore his property? Is it as if a horse that he has bred up should refuse to carry him? Suppose you therefore *are* his property—Will the fidelity of so many years weigh nothing in the scale of gratitude?

Yes—why, can obligations (suppose they had *not* been repaid an hundred fold) do away the unnatural disparity of years? Can they bid five-and-fifty stand still (the least that you could ask), and wait for five-and-twenty? Many women have the same obligations (if, indeed, there be many of the *same* accomplishments) to their fathers. They have the additional obligation to them (if, indeed, it be an obligation) of existence. The disparity of years is sometimes even less. But, must they therefore take their fathers to their bosoms? Must the jessamine fling its tender arms around the dying elm?

To my little fortunes you are no stranger. Will you share them with me? And you shall honestly tell his Lordship that gratitude taught you to pay every duty to him, till love taught you there were other duties which you owed to H.

Gracious Heaven that you *would* pay them!

But, did I not say I would not take advantage? I will not. I will even remind you of your children; to whom I, alas, could only shew at present the *affection* of a father.

M. weigh us in the scales. If gratitude out-balance love—so.

If you command it, I swear by love, I'll join my regiment to-morrow.

If love prevail, and insist upon his dues; you shall declare the victory and the prize. I *will* take no advantage.

Think over this. Neither will I take you by surprize. *Sleep upon it*, before you return your answer. Trim shall make the old excuse to-morrow. And, thank Heaven! to-night you sleep alone.

Why did you sing that sweet song yesterday, though I so pressed you? Those words and your voice, were too much.

No words can say how much I am your's.

To Mr. Hackman.

H. Dec. 7, 1775.

My dear H.—Here has been a sad piece of work ever since I received your's yesterday. But, don't be alarmed—We are not discovered to the prophane. Our tender tale is only known to—(whom does your fear suggest?—to love and gratitude, my H. And they ought both for twenty reasons, to be *your* friends, I am sure.

They have been trying your cause, ever since the departure of honest Trim yesterday. Love, though in my opinion not so blind, is as good a justice as Sir John Fielding. I argued the matter stoutly—my head on his Lordship's side of the question, my heart on your's. At last they seemed to say, as if the oath of allegiance, which I had taken to gratitude, at a time when Heaven knows, I had never heard of love, should be void, and I should be at full liberty to devote myself, body and soul, to—But call on me to-morrow before dinner, and I'll tell you their final judgment. This I will tell you now—love sent you the tenderest wishes, and gratitude said I could never pay you all I owe you for your noble letter of yesterday.

Yet—oh, my H. think not meanly of me ever for this—Do not you turn advocate against me.—I will not pain you—'tis impossible you ever should.

Come then to-morrow—and surely Omiah* will not murder love! Yet I thought the other day he caught our eyes conversing. Eyes speak a language all can understand. But, is a child of nature to nip in the bud that favourite passion which his mother Nature planted, and still tends?—What will Oberea and her coterie say to this, Omiah, when you return from making the tour of the globe? They'll blackball you, depend on it.

What would Rousseau say to it, my H.?

You shall tell me to-morrow. I will not write another word; lest conscience, who is just now looking over my left shoulder, should snatch my pen, and scratch out *to-morrow*.

To Miss ———.

Huntingdon, Dec. 7, 1775.

My dearest Soul—I hope to Heaven Triam will be able to get this to you to-night! Not I only, but my whole future life, shall thank you for the dear sheet of paper I have just received. Blessings, blessings—But I could write and exclaim, and offer up vows and prayers, till the happy hour arrives.

Yes, hear me, M. If I have thus far deserved your love, I will deserve it still. As a proof I have not hitherto pressed you for any thing conscience disapproves, you shall not do to-morrow what conscience disapproves. You shall not make me happy (oh, how supremely blest!) under the roof of your benefactor and my host. It were not honourable. Our love, the inexorable tyrant of our hearts, claims his sacrifice; but does not bid us insult his Lordship's walls with it. How civilly did he invite me to M. 15 October last, though an unknown recruiting officer! How politely himself first introduced me to himself! Often has the recollection made me struggle with my passion. Still it shall restrain it on this side honour.

So far from triumphing or exulting, Heaven knows—if Lord S. indeed love you, if indeed it be taught beside the natural preference which age gives to youth—Heaven knows how much I pity him. Yet, as I have either said or written before, it is only the pity I should feel for a father whose affections were unfortunately and unnaturally fixed upon his own daughter.

Were I your seducer, M. and not your lover, I should not write thus—nor should I have talked, or acted, or written, as I have. Tell it not in Gath, nor publish it in the streets of Ascalon, lest the Philistines should be upon me. I should be drummed out of my regiment for a traitor to intrigue. And can you really imagine I think so meanly of your sex! Surely you cannot imagine I think so meanly of you. Why, then, the conclusion of your last letter but one? A word thereon.

Take men and women in the lump, the villany of those and the weakness of these—I maintain it to be less wonderful than an hundred or so should fall in the world, than that even one should stand. Is it strange the serpent conquered Eve? The devil against a woman is fearful odds. He has conquered men, womens' conquerors; he has made even angels fall.

Oh, then, ye parents, be merciful in your wrath. Join not the base betrayers of your children—drive not your children to the bottom of the precipice, because the villains have driven them half way down, where (see, see!) many have stopped themselves from falling further by catching hold of some straggling virtue or another which decks the steep-down rock. Oh, do not force their weak hands from their hold—their last, last hold! The descent from crime to crime is natural, perpendicular, headlong enough, of itself—do not increase it.

“Can women, then, no way but backward fall?”

Shall I ask your pardon for all this, M.? No, there is no occasion, you say.

But to-morrow—for *to-morrow* led me out of my strait path, over this fearful precipice, where I, for my part, trembled every step I took, lest I

* Alluding to the native of Otaheite then in London.

should topple down headlong. Glad am I to be once more on *plain* ground again with my M.!

To-morrow, about eleven, I'll be with you--but, let me find you in your riding dress, and your mare ready. I have laid a plan, to which neither honour nor delicacy (and I always consult both before I propose any thing to *you*) can make the least objection. This once, trust to me--I'll explain all to-morrow. Pray be ready, in your *riding-dress*! Need I add, in that you know I think becomes you most? No--Love would have whispered that.

Love shall be of our party--He shall not suffer the cold to approach you--he shall spread his wings over your bosom--he shall nestle in your dear arms--he shall--

When will to-morrow come? What torturing dreams must I not bear to-night!

I send you some lines which I picked up somewhere---I forget where. But I don't think them much amiss.

CELIA'S PICTURE.

To paint my Celia, I'd devise
Two summer's suns, in place of eyes;
Two lunar orbs should then be laid
Upon the bosom of the maid;
Bright Berenice's auburn hair
Should, where it ought, adorn my fair;
Nay, all the signs in Heaven should prove
But tokens of my wondrous love.
All, did I say? Yes, all, save one---
Her yielding waist should want a Zone.

To the same.

Huntingdon, 8 Dec. 1775.

Then I release my dearest soul from her promise about to-day. If you do not see that all which *he* can claim by gratitude, I doubly claim by love, I have done, and will for ever have done. I would purchase my happiness at any price but at the expence of your's.

Look over my letters, think over my conduct, consult your own heart, and read these two long letters of your writing, which I return you. Then, tell me whether we love or not. And--if we love (as witness both our hearts)--shall gratitude, *cold* gratitude, bear away the heavenly prize that's only due to love like ours? Shall my right be acknowledged, and must he possess the casket? Shall I have your soul, and shall he have your hand, your eyes, your bosom, your lips, your--

Gracious God of Love! I can neither write, nor think. Send one line, half a line, to
your own, own
H.

To Mr. H-----.

H. 10 Dec. 75.

Your two letters of the day before yesterday, and what you said to me yesterday in my dressing-room, have drove me mad. To offer to sell out, and take the other step to get money for us both, was not kind. You know how such tenderness distracts me. As to marrying me, that you should not do upon any account. Shall the man I value be pointed at and hooted for selling himself to a Lord, for a commission, or some such thing, to marry his cast mistress? My soul is above my situation. Besides, I will not take advantage, Mr. H., of what may be only perhaps (excuse me) a youthful passion. After a more intimate acquaintance with me of a week or ten days, your opinion of me might very much change. And yet--you *may* love me as sincerely as I--

But I will transcribe you a verse which I don't believe you ever heard me sing, though it's my favourite. It is said to be part of an old Scots ballad--nor is it generally known that Lady A. L. wrote it. Since we have understood each other, I have never sung it before you, because it is so descriptive of our situation--how much more so since your cruelly kind proposal of yesterday! I wept, like an infant, over it this morning.

I gang like a ghost, and I do not care to spin,
 I fain would think on Jamie, but that would be a sin,
 I must e'en do my best a good wife to be,
 For auld Robin Gray has been kind to me.

My poor eyes will only suffer me to add, for God's sake, let me see my Jamie to-morrow. Your name also is Jamie.

To Miss ———.

Huntingdon, 13 Dec. 75.

My life and soul!—But I will never more use any pretence of this sort—and I beg you will not. A correspondence begins with dear, then my dear, dearest, my dearest, and so on, till, at last, panting language toils after us in vain.

No language can explain my feelings. Oh M. yesterday, yesterday! Language, thou liest—there is no such word as *satiety*, positively no such word. Oh, thou beyond my warmest dreams bewitching! what charms! what——

But words would poorly paint our joys. When, when?—yet you shall order, govern every thing. Only remember, I am *sure* of those we trust.

Are you now convinced that Heaven made us for each other? By that Heaven, by the paradise of your dear arms, I will be only your's!

Have I written sense? I know not what I write. This scrap of paper ('tis all I can find) will hold a line or two more. I must fill it up to say that, whatever evils envious fate design me, after those few hours of yesterday, I never will complain nor murmur.

Misfortune, I defy thee now. M. loves me, and H.'s soul has its content most absolute. No other joy like this succeeds in unknown fate.

To the same.

Huntingdon, 24 Dec. 75.

Talk not to me of the new year. I am a new man. I'll be sworn to it I am not the same identical J. H. that I was three months ago. You have created me—yes, I know what I say—created me anew.

As to thanking you for the bliss I taste with you—to attempt it would be idle. What thanks can express the heaven of heavens——

But I will obey you in not giving such a loose to my pen as I gave the day before yesterday. That letter, and the verse it contained, which were certainly too highly coloured, pray commit to the flames. Yet, pray too, as I begged you yesterday, do not imagine I thought less chastely of you because I wrote them. By Heaven, I believe your mind as chaste as the snow which, while I write, is driving against my window. You know not *what* I think of you. One time perhaps you may.

The lines I repeated to you this morning, I send you. Upon my honour they are not mine. I think of them quite as you do. Surely an additional merit in them is, that to the uninitiated, in whom they might perhaps raise improper ideas, they are *totally unintelligible*.

To Mr. ———.

II Christmas-day, 75.

My old friend the corporal looked as if he had been tarred and feathered yesterday, when he arrived with your *dear* billet. Oniah took up the sugar-caster, when he saw him through the parlour window, and powdered a fresh slice of pudding, by way of *painting* the snowy corporal. Oniah's simplicity is certainly very diverting, but I should like him better, and take more pains with him, if I did not think he suspected something. The other day I am sure he came to spy the nakedness of the land. Thank Heaven, our caution prevented him.

But, why do I call your billet *dear*, when it contained such Poetry? Yet, to confess the truth, it *did* charm me. And I know not, whether, as you say, those, to whom it could do any harm, could possibly understand it. For *uninitiated* means, I believe, not yet admitted into the mysteries—those who have not yet taken the veil; or, I should rather say, those who have not yet thrown off the veil. Why was I not permitted by my destiny to keep on mine, till my H. my Mars seiz'd me in his ardent arms? How gladly to his arms would I have given up my very soul!

Cruel fortune, that it can't be so to-day!—But we forgot, when we fixed on to-day, that it would be Christmas-day. I must do penance at a

most *unpleasant* dinner, as indeed is every meal and every scene when you are absent—and, that without the consolation of having first enjoyed your company. To-morrow, however, at the usual time and place.

Your discontinuing your visits here, since the first day of our happiness, gratifies the delicacy of us both. Yet, may it not, my H., raise suspicions elsewhere? Your agreeable qualities were too conspicuous not to make you missed. Yet, *you* are the best judge.

My poor, innocent, helpless babes! Were it not on your account, your mother would not *act* the part she does. What is Mrs. Yates's sustaining a character well for *one* evening? Is it so trying as to play a part, and a base one too, morning, noon, and night?—*Night!* But I will not make my H. uneasy.

At least, allow that I have written you a long scrawl. Behold, I have sent you a tolerable good substitute for myself. It is reckoned very like. I need not beg you not to show it. Only remember, the painter's M. is not to rob your own M. of a certain quantity of things called and known by the name of kisses, which I humbly conceive to be her due, though she has been disappointed of them to-day.

So, having nothing further to add at present, and the post being just going out, I remain, with all truth,

Dear Sir,
Your most humble servant, M.

There's a pretty conclusion for you. Am I not a good girl? I shall become a most elegant correspondent in time, I see. This paragraph is the postscript, you know—and should therefore have been introduced by a well flourished P.S. the Sir Clement Cottrel upon these occasions.

To Miss ———.

Huntingdon, 28 Dec. 1775.

Your condescension in removing my most *groundless* cause of jealousy yesterday, was more than I deserved. How I exposed myself by my violence with you! But, I tell you, my passions are all gunpowder. Though, thank God, no Othello, yet am I

“One not easily jealous; but, being wrought,
“Perplex'd in th' extreme;”

And that God knows how I love you, worship you, idolize you.

How *could* I think you particular to such a thing as B.? You said you forgave me to day, and I hope you did. Let me have it again from your own dear lips to-morrow, instead of the next day. Every thing shall be ready—and the guitar, which I wrote for, is come down, and I'll bring the song and you shall sing it, and play it, and I'll beg you to forgive me, and you shall forgive me, and,—five hundred ands besides.

Why, I would be jealous of this sheet of paper, if you kissed it with too much rapture.

What a fool!--No my M., rather say---what a lover!

Many thanks for your picture. It *is* like.

To the same.

Huntingdon, 1 Jan. 1776.

Lest I should not see you this morning, I will scribble this before I mount honest Crop; that I may leave it for you.

This is a new year. May every day of it be happy to my M. May---but don't you know there's not a wish of bliss I do not wish you?

A *new* year---I like not this word. There may be new lovers---I lie---there may not. M. will never change her H. I am sure she'll never change him for a truer lover.

A new year---76. Where shall we be in 77? Where in 78? Where in 79? Where in 80?

In misery or bliss, in life or death, in heaven or hell---wherever *you* are, there may H. be also!

The soldier whom you desired me to beg off, returns thanks to his unknown benefactress. Discipline must be kept up in our way; but I am sure you will do me the justice to believe I am no otherwise a friend to it.

To the same.

Huntingden, Feb. 8. 1776.

Since the thaw sent me from H. the day before yesterday, I have written four times to you, and believe verily I shall write four-and-forty times to you in the next four days. The bliss I have enjoyed with you these three weeks has increased, not diminished, my affection. Three weeks and more in the same house with my M.!--'Twas more than I deserved. And yet, to be obliged to resign you every night to another!--By these eyes, by your still dearer eyes, I don't think I slept three hours during the whole three weeks. Yet, yet, 'twas bliss. How lucky, that I was pressed to stay at H. the night the snow set in! Would it had snowed till doomsday! But, then, you must have been *his* every night till doomsday. Now, my happy time may come.

Though I had not strength to resist when under the same roof with you, ever since we parted, the recollection that it was *his* roof has made me miserable. Whimsical, that he should bid *you* press me, when I at first refused his solicitation. Is H. guilty of a breach of hospitality?

I must not question---I must not think, I must not write. But we must meet as we fixed.

Does Robin Gray suspect?---Suspect! And is H. a subject for suspicion?

To Mr. -----.

H. 23 Feb. 76.

Where was you this morning, my life? I should have been froze to death I believe with the cold, if I had not been waiting for *you*. I am uneasy, very uneasy. What could prevent you? Your own appointment too. Why not write, if you could not come?---Then, I had a dream last night, a sad dream, my H.

----- "For thee I fear, my love;

"Such ghastly dreams last night surprized my soul."

You may reply, perhaps, with my favourite Iphis,

"Heed not these black illusions of the night,

"The mockings of unquiet slumbers."

Alas, I cannot help it. I am a weak woman, not a soldier.

I thought you had a duel with a person whom we have agreed never to mention. I thought you killed each other. I not only saw his sword, I *heard* it pass through my H's body. I saw you both die; and with you, love and gratitude. Who is there, thought I, to mourn for M.?---Not one!

You may call me foolish; but I am uneasy, miserable, wretched! Indeed, indeed I am. For God's sake let me hear from you.

To the same.

H. 24 Feb. 76.

That business, as I told you it would, last night, obliges him to go to town. I am to follow, for the winter. Now, my H. for the royal black bob and the bit of chalk; or for any better scheme you'll plan. Let me know, to-morrow, where you think Lady G's scheme will be most practicable on the road, and there I'll take care to stop. I take my bible oath I won't deceive you, and more welcome shall you be to my longing arms, than all the dukes or princes in Christendom. If I am not happy for one whole night in my life, it will now be your fault.

Is not this kind and thoughtful? Why did it never occur to you, so often as we have talked of my being obliged to leave this dear place? To me *most* dear, since it has been the scene of my acquaintance, my happiness, with H.

But, am I to leave behind me that dearest H.? Surely your recruiting business must be nearly over now. You *must* go to town. Though things can't often be contrived at the A, they may---they *may*!--they *shall* happen elsewhere.

Fail not to-morrow---and do not laugh at me any more about my dream. If it was a proof of my weakness, it was a proof also of my love.

I wish the day on which I am to set out from hence could be conjured about a month further back or so. Now, you ask *why*?, Look in your

last year's almanack. Was not the *shortest day* some where about that time? Come give me a kiss for that, I am sure I deserve it. Oh! fye Mr. H., not twenty. You are too generous in your payments. I must insist upon returning you the overplus the next time we meet—that is to-morrow, you know.

To Miss ———.

Huntingdon, 26 Feb. 1776.

Why will not the wished-for day, or rather night, arrive? And here, I have not seen you since I know not when—not for two whole days.

But I wrote you a long letter yesterday why it would be dangerous to meet; and all in rhyme. The beginning, I assure you, was not poetry, but truth—If the conclusion was coloured too highly, you must excuse it. The pencil of love executed it, and the sly rogue will indulge himself sometimes. Let the time come, I'll convince you his pencil did not much exaggerate.

Just now I was thinking of your birth-day, about which I asked you the other day. It's droll that your's and mine should be so near together. And thus I observe thereon.

Your poets, cunning rogues, pretend
That men are made of clay;
And that the heavenly potters make
Some five or six a day.

No wonder, M. I and you
Don't quite detest each other;
Or that my soul is link'd to your's,
As if it were it's brother:

For in one year we both were made,
Nay almost in one day——
So, ten to one, we both came from
One common heap of clay.

What? if I were not cast in near
So fine a mould as you—
My heart (or rather, M. *your's*)
Is tender, fond, and true.

Corporal Trim sets off to-day for our head quarters. My plan is laid so that no discovery *can* take place. God! that two such souls, as your's and mine, should be obliged to descend to arts and plans! Were it not for your dear sake, I'd scorn to do any thing I would not wish discovered.

To Mr. ———.

H. 21 Feb. 1776.

All your plans are useless. The Corporal has made his forced march to no purpose. The fates are unkind. It is determined I am to go up *post*. So, we cannot possibly be happy together, as we hoped to have been had our own horses drawn me up, in which case I must have slept upon the road. I am not clear old Robin Gray will not stay and attend me. Why cannot my Jamie? Cruel fortune! But in town we *will* be happy. When, again, shall I enjoy your dear society; as I did during that, to me at least, blessed snow? Nothing but my dear children could prevent our going with Cook to seek for happiness in worlds unknown. There must be some corner of the globe where mutual affection is respected.

Don't forget to meet me. Scratch out *forget*. I know how much you think of me. Too much for your peace, nay for your health. Indeed my H. you don't look well. Pray be careful!

"Whatever wounds thy tender health,
"Will kill thy M.'s too."

Omiiah is in good humour with me again.—What kind of animal should a naturalist expect from a native of Otaheite and a Huntingdonshire dairy maid? If my eyes don't deceive me, Mr. Omiiah will give us a specimen. Will you bring me to-morrow to divert me, as I post it to town—that I may forget, if it be possible, I am posting from you?

To Miss ———.

Hockerill, 1 March, 1776.

It is your strict injunction that I do not offend you by suffering my pen to speak of last night. I will not, my M. nor should I, had you not enjoined it. You once said a nearer acquaintance would make me change my opinion of you. It has, I have changed my opinion. The more I know you, the more chaste I think of you. Notwithstanding last night (what a night!), and our first too, I protest to God, I think of you with as much purity, as if we were going to be married.—You take my meaning, I am sure; because they are the thoughts I know you wish me to entertain of you.

You got to town safe, I hope. One letter may find me before I shall be able to leave Huntingdon, whither I return to-day; or, at least, to Cambridge. I am a fool about Crop, you know. And I am now more tender of him, because he has carried you. How little did we think that morning we should ever make each other so happy!

Don't forget to write, and don't forget the key, against I come to town. As far as seeing you, I will use it sometimes; but never for an opportunity to indulge our passion. That, positively, shall never again happen under his roof. How did we applaud each other for not suffering his walls at H. to be insulted with the first scene of it! And how happy were we both, after we waked from our dream of bliss, to think how often we had acted otherwise, during the time the snow shut me up at H. ! a snow as dear to me, as to yourself.

My mind is torn, rent, with ten thousand thoughts and resolutions about you, and about myself.

When we meet, which shall be as we fixed, I may perhaps mention one idea to you.

Pray let us contrive to be together some evening that your favourite Jephtha is performed. Adieu.

To the same. Cannon Coffee-house, Charing-cross, 17 March, 76.

No further than this can I get from you, before I assure you that every word I said just now came from the bottom of my heart. I never shall be happy, never shall be in my senses, till you consent to marry me. And notwithstanding the dear night at Hockerill, and the other which your ingenuity procured me last week in D. street, I swear by the bliss of blisses, I never will taste again till you are my wife.

To the same.

Cannon Coffee-house, 17 March, 76.

Though you can hardly have read my last scrawl, I must pester you with another. I had ordered some dinner; but I can neither eat, nor do any thing else. "Mad!"—I may be mad, for what I know. I am sure I'm wretched.

For God's sake, for my life and soul's sake, if you love me, write directly hither, or at least to-night to my lodgings, and say what is that *insuperable* reason on which you dwell so much. "Torture shall not force you to marry me." Did you not say so? Then you hate me; and what is life worth?

Suppose you had not the dear inducement of loving me (if you love me! Damnation blot out that *if*!), and being adored by me—still, do you not wish to relieve yourself and me from the damaged parts we act? My soul was not formed for such meannesses. To steal in at a back door, to deceive, to plot, to lie—Perdition! the thought of it makes me despise myself.

Your children—Lord S.—(If we have not been ashamed of our conduct, why have we cheated conscience all along by "He" and "His," and "Old Robin Gray?" Oh, how have we descended, M.!) Lord S. I say, cannot but provide for your dear boys. As to your sweet little girl—I will be a father to her, as well as a husband to you. Every farthing I have I will settle on you both. I will—God knows, and you shall find what I will do for you both, when I am able. Good God, what would I not do!

Write, write; I say, write. By the living God I will have this *insuperable* reason from you, or I will not believe you love me.

To Mr. H———.

A. 17 March, 76.

And does my H. think I wanted such a letter as this to finish my affliction? Oh, my dear Jamie, you know not how you distress me.

And do you imagine I have *willingly* submitted to the artifices to which I have been obliged, for your sake, to descend? What has been *your* part, from the beginning of the piece, to *mine*? I was obliged to act a part even to *you*. It was my business not to let you see how unhappy the artifices, to which I have submitted, made me. And that they did embitter even our happiest moments.

But fate stands between us. We are doomed to be wretched. And I, every now and then, think some terrible catastrophe will come of our connection. "Some dire event," as Storgé prophetically says in Jephtha, "hangs o'er our heads;—"

"Some woful song we have to sing

"In misery extreme.—O never, never

"Was my foreboding mind distress'd before

"With such incessant pangs!"

Oh, that it were no crime to quit this world like Faldoni and Teresa! and that we might be happy together in some other world, where gold and silver are unknown! By your hand I could even die with pleasure. I know I could.

"Insuperable reason." Yes, my H., there is, and you force it from me. Yet, better to tell you, than to have you doubt my love; that love which is now my religion. I have hardly any God but you. I almost offer up my prayers to you, as well as *for* you.

Know then, if you was to marry me, you would marry some hundred pounds worth of debts! and *that* you never shall do.

Do you remember a solemn oath you took in one of your letters, when I was down at H.? and how you told me afterwards it *must* be so, because you had so solemnly sworn it?

In the same solemn and dreadful words I swear, that I never will marry you, happy as it would make me, while I owe a shilling in the world. Jephtha's vow is past.

What your letter says about my poor children made me weep; but it shall not make me change my resolution.

It is a further reason why I should not. "If I do not marry you, I do not love you?" Gracious powers of love! Does my H. say so? My *not* marrying you is the strongest proof I can give you of my love. And Heaven, you know, has heard my vow. Do *you* respect it, and never tempt me to break it—for not even *you* will ever succeed. Till I have some better portion than debts, I *never* will be your's.

Then what is to be done? you ask. Why, I'll tell you, H. Your determination to drop all particular intercourse till marriage has made us one, flatters me more than I can tell you, because it shews me your opinion of me in the strongest light; it almost restores me to my own good opinion. The copy of verses you brought me on that subject is superior to any thing I ever read. They shall be thy M.'s morning prayer, and her evening song. While you are in Ireland——

Yes, my love, in Ireland. Be ruled by me. You shall immediately join your regiment there. You know it is your duty. In the mean time, something may happen. Heaven will not desert two faithful hearts that love like yours and mine. There are joys; there is happiness in store for us yet. I feel there is. And (as I said just now) *while you are in Ireland*, I'll write to you *every* post, *twice* by *one* post, and I'll think of you, and I'll dream of you, and I'll kiss your picture, and I'll wipe my eyes, and I'll kiss it again, and then I'll weep again. And——

Can I give a stronger instance of my regard for you, or a stronger proof that you ought to take my advice, than by thus begging my only joy to leave me? I will not swear I shall survive it; but, I beseech you, go!

Feel that I am—I undo with one hand, all I do with the other. My tears, which drop between every word I write, prevent the effect of my reasoning; which, I am sure, is just.

Be a man, I say—you *are* an angel. Join your regiment; and as sure as I love you (nothing can be *more* sure) I will recall you, from what will be banishment as much to me as to you, the first moment I can marry you with honour to myself, and happiness to you.

But I must not write thus. Adieu!

Ill suits the voice of love, when glory calls,
And bids thee follow Jephtha to the field.

To Miss ———.

Cannon Coffee-house, 17 March, 1776.

And I will respect the vow of Jephtha, and I will follow to the field. At least, I will think of it all to-night, for I am sure I shall not sleep, and will let you know the success of my struggle it will be to-morrow. I will wait for you at the same place in the Park, where I shall see you open the A. door. Should it rain—I'll write. It was my intention to have endeavoured to see you now, but I changed my mind, and wrote this, here; and I am glad I did. We are not in a condition to see each other. Cruel debts! Rather, cruel vow! for, would you but have let me, I would have contrived some scheme about your debts. I *could* form a plan. My Gosport matters—my commission—

Alas, you frown, and I must stop. Why would not fortune smile upon my two lottery tickets? Heaven knows I bought them on your account. Upon the back of one of them I wrote, in case of my sudden death, "this is the property of Miss ——" On the back of the other, that it belonged to your daughter.

For what am I still reserved?

To Mr. ———.

A. 19 March, 1776.

Why, why do you write to me so often? Why do you see me so often? When you acknowledge the necessity of complying with my advice.

You tell me, if I bid you you'll go. I have bid you, begged you to go. I *do* bid you go. Go, I conjure you, go! But let us not have any more partings. The last was too, too much. I did not recover myself all day. And your goodness to my little white-headed boy—He made me burst into tears this morning, by talking of the good-natured gentleman, and producing your present.

Either stay, and let our affection discover and ruin us—or go.

On the bended knees of love I intreat you, H., my dearest H., to go.

To Miss ———.

Ireland, 26 March, 1776.

Ireland—England—Good Heavens, that M. should be in one part of the world, and her H. in another! Will not our destinies suffer us to breathe the same air? Mine will not, I most firmly believe, let me rest, till they have hunted me to death.

Will you not give me your approbation for obeying you thus? Approbation! And is that the coin to pass between us?

Yet, I will obey you further. I will restrain my pen as much as possible. I will scratch the word love out of my dictionary. I will forget—I lie—I never *can*, nor ever *will* forget you, or any thing which belongs to you. But I will, as you wisely advise, and kindly desire me, as much as possible, write on other subjects. Every thing entertaining, that I can procure, I will. I'll *Twissify*, and write Tours—or any thing but love-letters. This morning, pardon me: I am unable to trifle; I *must* be allowed to talk of love, of M.

And, when I *am* able, you must allow me to put in a word or two sometimes for myself. To-day, however, I will not make *you* unhappy by telling you how truly so I am.

The truth is—my heart is full; and though I thought, when I took up my pen, I could have filled a quire of paper with it, I now have not a word to say. Were I sitting by your side now (oh that I were!) I should only have power to recline my cheek upon your shoulder, and to wet your handkerchief with my tears.

My own safety, but for your sake, is the last of my considerations. Our passage was rather boisterous, but not dangerous. Mrs. F. (whom I men-

tioned to you, I believe, in the letter I wrote just before we embarked) has enabled me to make you laugh with an account of her behaviour; were either of us in a humour to laugh.

Why did you cheat me so about that box?

Had I known I should find, upon opening it, that the things were for me, I would never have brought it. But that you knew. Was it kind, my M., to give me so many *daily* memorandums of you, when I was to be at such a distance from you? Oh, yes, it was, it was, *most* kind. And that, and you, and all your thousand and ten thousand kindnesses I never will forget. The purse shall be my constant companion, the shirts I'll wear by night, one of the handkerchiefs I was obliged to use in drying my eyes as soon as I opened the box, the —

God, God, bless you in this world—that is, give you your H—, and grant you an easy passage to eternal blessings in a better world.

If you go before me, may the stroke be so instantaneous, that you may not have time to cast one longing, lingering look on
H.!

To the same.

Ireland, 8 April, 1776.

Your's, dated April the first, would have diverted me, had I been some leagues nearer to you. It contained true wit and humour. I truly thank you for it, because I know with how much difficulty you study for any thing like wit or humour in the present situation of your mind. But you do it to divert me; and it is done for one, who, though he cannot laugh at it, as he ought, will remember it, as he ought—Yet with what a melancholy tenderness it concluded! *There* spoke your heart.

Your situation, when you wrote it, was something like that of an actress, who should be obliged to play a part in comedy, on the evening of a day which, by some real catastrophe, had marked her out for the capital figure of a real tragedy. Perhaps I have said something like this in the long letter I have written you since. Never mind.

Pray be careful how you seal your letters. The wax always robs me of five or six words. Leave a space for your seal. Suppose that should be the part of your letter which tells me you still love me. If the wax cover it, I see it not—I find no such expression in your letter—I grow distracted—and immediately set out for Charing-Cross to ask you whether you do indeed still love me.

In the hospitality of this country I was not deceived. They have a curse in their language, strongly descriptive of it—may the grass grow at your door!—The women if I knew not you, I should find sensible and pretty. But I am deaf, dumb, blind, to every thing, and to every person but you. If I write any more this morning, I shall certainly sin against your commands.

Why do you say nothing of your dear children? I insist upon it you buy my friend a jaw, and two dozen of marbles; and place them to the account of
Your humble servant.

To the same.

Ireland, 20 April, 76.

Thanks for the two letters I received last week. They drew tears from me, but not tears of sorrow.

To my poetry you are much too partial. Never talk of writing poetry for the press. It will not do. Few are they, who like you, can judge of poetry: and, of the judges, few, alas! are just. Juvenal, the Roman Churchill, advises a young man to turn auctioneer, rather than poet. In our days Christie would knock Charterton out of all chance in a week. The Spaniards have a proverb, "He, who cannot make one verse is a blockhead; he who makes more is a fool." Pythagoras you know a little by name. Perhaps you might not know he was starved to death in the temple of the Muses at Metapontum. The Muses have no temples, it is true, in our days (for God knows they are not much worshipped now), but the Ladies are not without their human sacrifices.

A young man was complaining the other day that he had lost his appetite; "Turn poet, then," said one in company, "they generally have pretty stout ones."

Your *sensible* eyes have not long, I know, been dry from the tale of Chatterton. Even now a pearly drop peeps over the brim of each; and now they drop, drop upon his mangled memory, like the Samaritan's balm upon the traveller's wounds. And, perhaps, what I had heard and told you, may not be half.

That I may make you some amends for teasing you with my bad poetry the other day, I will to-day send you some very good. It is the composition of a clergyman, an Englishman, settled near Dublin. It got the prize at Oxford not long since, and was spoken in the theatre at such a public business, as one at which, I think, I remember to have heard you say you were present. Perhaps you were there this very time.

To the same.

Ireland, 3 May, 1776.

My last, I hope, did not offend you. The bank note I was obliged to return; although I thank you for it, more than words can tell you.

Shall I, whom you will not marry, because you will not load me with your debts, increase those debts; at least prevent you from diminishing them, by robbing you of fifty pounds? Were I capable of it, I should be unworthy your love. But be not offended that I returned it. Heaven knows how willingly a quire of such things should have accompanied it, had Heaven made me so rich.

Be not anxious about me. Talk not of the postage which your dear letters cost me. Will you refuse to make your H. happy? And think you I can pay too dear for happiness?

But, Lord! you rave. I am rich—as rich as a Jew: and without taking into the calculation the treasure I possess in your love. Why, you talk of what I allow that relation, poor soul! That does not swallow up all my lands and hereditaments at Gosport. Then there's my pay, and twenty other ways and means besides, I dare say, could I but recollect them. Go to—I tell you I *am* rich. So, let me know you got the silver paper safe, and that I am a good boy.

Rich! To be sure I am—why, I can afford to go to plays. I saw Catley last night, in your favourite character. By the way, I'll tell you a story of her, when she was on your side the water.

Names do not immortalize praise-worthy anecdotes, they immortalize names. Some difference had arisen between Miss Catley and the managers concerning the terms upon which she was to be engaged for the season. One of the managers called upon her, at her little lodgings in Drury Lane, to settle it. The maid was going to shew the gentleman up stairs, and to call her mistress. “No, no,” cries the actress, who was in the kitchen, and heard the manager's voice, “there is no occasion to shew the gentleman to a room. I am busy below (to the manager), making apple-dumplings for my brats. You know whether you have a mind to give me the money I ask, or not. I am none of your fine ladies, who get a cold or the tooth-ach, and can't sing. If you have a mind to give me the money, say so; my mouth shall not open for a farthing less. So, good morning to you—and don't keep the girl there in the passage; for I want her to put the dumplings in the pot, while I nurse the child.”—The turnips of Fabricius, and Andrew Marvel's cold leg of mutton, are worthy to be served up on the same day with Nan Catley's apple-dumplings.

Come—I am not unhappy, or I could not talk of other people and write thus gaily. Nothing can make me truly unhappy, but a change in your sentiments of me. By the Almighty God of heaven, I know my own feelings so thoroughly, I do not think I could survive such a thing.

As you love me, scold me not about the poplin you'll receive next week. It cost me nothing—I may surely give what was given to me.

To Mr. ———.

England, 25 June, 1776.

Let me give you joy of having found such kind and agreeable friends in a strange land. The account you sent of the gentleman and lady, especially of the latter, quite charmed me. Neither am I without my friends. A lady, from whom I have received particular favours, is

uncommonly kind to me. *For the credit of your side of the water, she is an Irish woman. Her agreeable husband, by his beauty and accomplishments, does credit to this country. He is remarkable also for his feelings.*

Adieu! This will affect you, I dare say, in the same manner your account affected me.

To Miss ———.

Ireland, 1 July, 76.

Your little billet, of the 25th of last month, was a proper reproof for the contents of one of mine. Till I saw the joke I was truly unhappy. If you had not written the long and kind letter the next day, which came in the same packet, I should have been miserable. Yet, I wish you happy, *most* happy; but I cannot bear the thoughts of your receiving happiness from any hands (man, woman, or child) but mine. Had my affections not been fixed, as they are unalterably, elsewhere, the wife of my *friend*, with all her charms, would never fix them. I have but two masters, Love and Honour. If I did not consider you as my wife, I would add, you know I have but *one* mistress.

A friend of mine is going to England---(happy fellow I should think him, to be but in the same country with you)---He will call at the Cannon coffee-house for me. Do send me, thither, the French book you mention, *Werther*. If you don't, I positively never will forgive you. Nonsense, to say it will make me unhappy, or that I shan't be able to read it! Must I pistol myself, because a thick-blooded German has been fool enough to set the example, or because a German novelist has feigned such a story? If *you* don't lend it me, I will most assuredly procure it some time or another; so, you may as well have the merit of obliging me. My friend will send a small parcel for you to D. street. The books I send you, because I know you have not got them, and because they are so much cheaper here. If you are afraid of emptying my purse (which by the way is almost worn out), you shall be my debtor for them. So, send me a note of hand, *value received*. The other things are surely not worth mentioning.

To Mr. ———.

England, 20 Aug. 76.

For God's sake! where are you? What is the matter? Why don't you write?---Are you ill? God forbid. And I not with you to nurse you! if you are, why don't you let somebody else write to me? Better all should be discovered, than suffer what I suffer. Its more than a month since I heard from you. A month used to bring me eight or ten letters. When I grew uneasy, it was in vain, as I said in my last, that I endeavoured to find your friend who brought the parcel (for I would certainly have seen him, and asked him about you). What is become of all my letters for this last month? Did you get what I returned by your friend? Do you like the purse? The book you mentioned, is just the only book you should never read. On my knees, I beg you never, never read it! Perhaps you have read it---Perhaps!--I am distracted.---Heaven only knows to whom I may be writing this letter.

Madam, or Sir!--If you are a woman, I think you will; if you are a man, and ever loved, I am sure you will, oblige me with one line to say what is come of Mr. ———, of the ——— regiment. Direct to Mrs. ———, D. street, London.---Any person whose hands my letter may fall into, will not think this much trouble; and, if they send me good news, Heaven knows how a woman, who loves, if possible, too well, will thank them.

To Miss ———.

Ireland, 10 Sept. 1776.

As I am no sportsman, there is no merit, you may think, in devoting a morning to this employment. Nor do I claim any merit. 'Tis only making myself happy.

Now, I hope, you are quite at ease about me. My health, upon my honour! upon our love! is almost re-established---Were I not determined to keep on *this* side the truth, I would say *quite*. The four letters I have

written to you, since I received your frantic sheet of paper, have explained and made up every thing. How can I sufficiently thank you for all your letters; especially for that of this week? Never did you pen a better. Did I know any body employed in a work, where that letter could properly appear, he should insert it in your own words.

Excuse me, I am unwillingly called away.---

What I said this morning about your letter, brings to my recollection something of that sort. Shall I tell it you? I will.

James Hirst, in the year 1711, lived servant with the honourable Edward Wortley. It happened, one day, in re-delivering a parcel of letters to his master, by mistake he gave him one which he had written to his sweetheart, and kept back one of Mr. Wortley's. He soon discovered the mistake, and hurried back to his master; but unfortunately for poor James, it happened to be the first that presented itself to Mr. Wortley, and, before James returned, he had given way to a curiosity which led him to open it, and read the love-told story of an enamoured footman. It was in vain that James begged to have it returned. "No," says Mr. Wortley, "James, you shall be a great man, this letter shall appear in 'the Spectator.'"

Mr. Wortley communicated the letter to his friend Sir Richard Steel.—It was accordingly published in his own words, and is that letter, No. 71, volume the first of the Spectator, beginning "Dear Betty."

James found means to remove that unkindness of which he complains in his letter; but, alas! before their wishes were compleated, a speedy end was put to a passion which would not discredit much superior rank, by the unexpected death of Betty. James, out of the great regard and love he bore to Betty, after her death, married the sister. He died, not many years since, in the neighbourhood of Wortley, near Leeds, Yorkshire.

To marry you is the utmost of my wishes; but, remember, I don't engage to marry your sister in case of your death.—Death! How can I think of such a thing, though it be but in joke.

To the same.

Ireland, 15 Sept. 1776.

The commands of your last letter, for the reasons you give, I have immediately obeyed.—My enquiries about the young Englishman you mention, amount to this. He is liked tolerably well here. He would be liked more, if he took more pains to be liked. His contempt for some people in the world, whom others despise perhaps as well as he, is sometimes too conspicuous. Accident has given me an opportunity to see and know a great deal of him; and with certainty. His heart is certainly not bad. His abilities are as certainly not equal to what he once confesses to have thought them; perhaps they are superior to the opinion he now entertains of them. He has ambition and emulation enough to have almost supplied any want of genius, and to have made him almost any thing, had he fallen into proper hands. But his school-masters knew nothing of the human heart, nor over much of the head. Though indolent to a degree, a keen eye might have discovered, may still discover, industry at the bottom; a good cultivator might have turned it, may still turn it, to good account. His friendships are warm, sincere, decided—his enmities the same. He complains, now and then, that some of his friends will pretend to know him better than they know themselves, and better than they know any thing else. "they would play upon him; they would seem to know his stops; they pretend to be able to sound him from his lowest note, to the top of his compass; and there is much music, excellent voice, in a little pipe, yet cannot they make it speak. "Do they think," he demands, "that he is easier to be played than a pipe?"—Why, really, I do not think this is the case at present, whatever it may have been. Secresy is not brought *into* the world, it is acquired *in* the world. An honest heart can only acquire it by experience. The character which he had certainly gotten somehow among some of his intimates, has been of service both to them and to himself. They made a point of secresy, after they chose to discover a want of it in him; and

now he has made a point of it himself. My dearest secret (*you know what that is*), should now sooner be trusted to him than to any of his former accusers. The loudest of them, to my knowledge, was little calculated to judge; for though he might not absolutely think him a coward, he certainly did not suspect his friend of courage, till sufficient proof of it was given under his own eye. Now, in my opinion, true courage and resolution are this gentleman's marking characteristics. This is no great compliment; for, without them, I would not give a farthing for any man.

Such, in my judgment, is the young gentleman about whom you wished me to enquire, and with whom I happen to have lived a good deal. His principal merit is, that my amiable friend (the mention of whose wife just jogged your jealousy,) sincerely loves him. That worthy man seldom throws away his attachment where it is not deserved. Nor do I know any thing in the gentleman, whose character I have been sketching, which gives me more pleasure, or which it would give him more pleasure to have noticed, than the love and respect which I am sure he feels for my friend; unless perhaps his affectionate sense of the obligations which I believe I have told you he lies under to a Mr. B-----.

So much for business. Now for an article of news. The latter end of last month, a lady and her servant, as they were riding in Phoenix Park, were stopped by a man on foot, very genteely dressed in white clothes, and a gold laced hat. He demanded the lady's money, which she gave him, amounting to twenty-six guineas. The person put the cash into one of his pockets, and took from the other a small diamond hoop ring, which he presented to the lady, desiring her to wear it for the sake of an extraordinary robber, who made it a point of honour to take no more from a beautiful lady, than he could make a return for in value. He then, with great agility, vaulted over the wall, and disappeared.

This you may perhaps call an Irish way of robbing. There certainly was something original in it. The gentleman seems clearly to imagine, that an exchange is no robbery.-----

As to your threat, I will answer it in the same style---"*I will love you ---and if---!*" But neither my answer, nor your threat, is original. Reading, this morning, a history of this country, I found the following anecdote. In 1487, a dreadful war was carried on in Ulster, between the chieftain O'Neal, and the neighbouring chieftain of Tircanul. This war had nothing more considerable for its immediate cause, than the pride of O'Neal, who demanded that his enemy should recognize his authority by paying tribute. The laconic style, in which the demand was made and rejected, would not have disgraced a nobler contest. "*Send me tribute ---or else!*"---was the message of O'Neal. To which was returned, with the same princely brevity,---"*I owe you none---and if---*"---But I talk nonsense. This does not prove your threat to have been borrowed; for I dare say you never heard of O'Neal till this moment. It only proves that two people may express themselves alike.

Should any man who loved like me (if any man ever did love like me) have spoken of his love in terms like those I use to speak of mine, follows it therefore that I have borrowed either his passion or his language? Were it possible for you to think so, I never would forgive you.---Pray copy the music you mention in your next.

To the same.

Ireland, 26, January, 1777.

One of Lord Harcourt's suit will carry this to England. His Lordship was relieved from guard yesterday by the arrival of the new Lord Lieutenant. As politics have not much to do with love, I shall not trouble you with a history of the late reign, or with a prophecy of what will be the present. Only let our great actors take care they do not play the farce of America in Ireland.

My spirits, I thank you, are now tolerably well. But you know I am, at least I know I have been ever since you have known me, a strange comical fellow. Neither one thing nor t'other. Sometimes in the garret, but much oftener down in the cellar. If Salvator Rosa, or Rousseau, wanted to draw a particular character, I am their man. But you

and I shall yet be happy together, I know; and then my spirits and passions will return into their usual channels.

Why do you complain of the language and tenderness of my letters? Suppose they were not tender. What would you say, what would you think, then? Must not love speak the language of love? Nay, do we not see every day that love and religion have mutual obligations, and continually borrow phrases from each other? Put Jamie or Jenny, instead of Christ, and see what you will make of Mrs. Rowe's most solemn poems, or of Dr. Watt's hymns.

Let me transcribe you a letter written by another person to a lady.

"Sir Benjamin telling me you were not come to town at three o'clock, makes me in pain to know how your son does, and I can't help enquiring after him and dear Mrs. Freeman. The bishop of Worcester was with me this morning before I was dressed. I gave him my letter to the Queen, and he has promised to second it, and seemed to undertake it very willingly: though, by all the discourse I had with him (of which I will give you a particular account when I see you) I find him very partial to her. The last time he was here, I told him you had several times desired you might go from me, and I have repeated the same thing again to him. For you may easily imagine I would not neglect doing you right on all occasions. But I beg it again for Christ Jesus' sake, that you would never name it any more to me; for, be assured, if you should ever do so cruel a thing as to leave me, from that moment I shall never enjoy one quiet hour. And should you do it without asking my consent (which if I ever give you may I never see the face of heaven!) I will shut myself up, and never see the world more, but live where I may be forgotten by human kind."

What think you of this letter? If it should have been written by a woman to a woman, surely you will allow it to write a little tenderly to his own M. This was really the case. It is transcribed from "An Account of the Conduct of the Dowager Duchess of Marlborough," printed for W. Smith in Dame-street Dublin, 1742, which I bought at Wilson's in Dame-street yesterday. the pamphlet contains others as loving. This I find page 40. It was written to Lady Marlborough by her Mistress (one would have thought that the word *mistress* in one sense did belong to one of the parties) when she was only Princess of Denmark. It refers to the quarrel between the Princess and her royal sister and brother-in-law, because she would not part with her favourite, upon Lord Marlborough's having displeased the King.

These two female lovers always corresponded, under the names of Mrs. Freeman and Mrs. Morely, at the particular desire of the Princess, who fixed upon the names. And this, after she was Queen Anne. Be assured, my M. that, although I write to you with almost the same madness of affection, I will never imitate her example, for all its royalty, and exchange you for a mushroom of your own raising (Mrs. Masham).

To the same.

Ireland, 6 Feb. 1777.

My last was merry, you know. I can't say as much for your last. To-day you must suffer me to indulge my present turn of mind in transcribing something which was left behind her by a Mrs. Dixon, who poisoned herself not long since at Imiskillen. It was communicated to me by a gentleman, after a dinner yesterday, who is come hither about business, and lives in the neighbourhood of Imiskillen.

The unhappy woman was not above nineteen years of age. She had been married about two years, and lived with her husband all that time with seeming ease and cheerfulness.

—She was remarkably cheerful all the fatal day, had company to dine with her, made tea for them, in the evening, set them down to cards, retired to her chamber, and drank her cup of arsenick.

—She left a writing on her table, in which is obscurely hinted the sad circumstance which urged her impatience to this desperate act.

Enclosed is an exact copy, even to the spelling.

"This is to let all the world know, that hears of me, that it's no crime I ever committed occasions this my untimely end; but despair of ever being happy in this world, as I have sufficient reasons to think so. I own 'tis a sinful remedy, and very uncertain to seek happiness, but I hope that God will forgive my poor soul; Lord have mercy on it! But all I beg is to let none reproach my friends with it, or suspect my virtue or my honour in the least, though I am to be no more.

Comfort my poor unhappy mother, and brothers and sisters, and let all mothers take care, and never a force a child as mine did me: but I forgive her, and hopes God will forgive me, as I believe she meant my good by my marriage.

Oh! that unfortunate day I gave my hand to one, whilst my heart was another's, but hoping that time and prudence would at length return my former peace and tranquility of mind, which I wanted for a long time: but oh! it grieves me to think of the length of eternity; and the Lord save me from eternal damnation! Let no one blame Martin Dixon,* for he is in no fault of it.

I have a few articles which I have a greater regard for than any thing else that's mine, on account of him that gave them to me (but *he* is not to be mentioned)——and I have some well-wishers that I think proper to give them to.

First, to Betty Balfour, my silver buckles; to Polly Deeryn, my diamond ring; to Betty Mulligan, my laced suit, cap, handkerchief, and ruffles; to Peggy Delap, a new muslin handkerchief not yet hemmed, which is in my drawer, and hope for my sake those persons will accept of these trifles, as a testimony of my regard for them.

I would advise † Jack Watson to behave himself in an honest and obedient manner in respect to his mother and family, as he is all she has to depend upon now.

I now go in God's name, though against his commands, without wrath or spleen to any one upon earth. The very person I die for, I love him more than ever, and forgives him. I pray God grant him more content and happiness than he ever had, and hopes he will forgive me, only to remember such a one died for him.

There was, not long ago, some persons pleased to talk something against my reputation, as to a man in this town; but now, when I ought to tell the truth, I may be believed: if ever I knew him, or any other but my husband, may I never enter into glory; and them I forgive who said so; but let that man's wife take care of them that told her so; for they meant her no good by it.

With love to one, friendship to few, and good will to all the world, I die, saying, Lord have mercy on my soul; with an advice to all people *never to suffer a passion of any sort to command them as mine did in spite of me.* I pray God bless all my friends and acquaintance, and begs them all to comfort my mother, who is unhappy in having such a child as I, who is ashamed to subscribe myself an unworthy and disgraceful member of the church of Scotland,

Jane Watson, otherwise, Dixon."

My pen shall not interrupt your meditations hercon, by making a single reflection. We both of us have made, I dare say, too many on it. She too was *Jenny*, and had her Robin Gray.

To the same.

Ireland, 20 April, 1777.

Now you see there is something in dreams. But why is not your alarming letter more particular about your complaint? Do they nurse you as tenderly as I would? Are they careful about your medicines? For God's sake tell them all round what happened lately here to Sir William Yorke, the chief justice.

Sir William was grievously afflicted with the stone. In his severe fits he used to take a certain quantity of laudanum drops. On calling for his usual remedy, during the most racking pains of his distemper, the

* Her husband.

† Her brother.

drops could not be found. The servant was dispatched to his apothecary; but, instead of laudanum drops, he asked for laudanum. A quantity of laudanum was accordingly sent, with special charge not to give Sir William more than twenty-four drops. But the fellow, forgetting the caution, gave the bottle into his master's hand, who, in his agony, drank up the whole contents, and expired in less than an hour.

Why, my dearest love, did you conceal your illness from me so long? Now, you may have revealed the situation of your health to me too late. God forbid! If I write more, I scribble like a madman. A gentleman takes this who sails for England to-day. To-morrow or next day the colonel will be here. If Lord S. as I have reason to expect, has influenced him to release me leave of absence, I will most certainly sell out directly, which I have an opportunity to do. At any rate I will be with you in a few days. If I come without a commission you must not be angry. To find you both displeased and ill, will be too much for your poor H. For my sake, be careful. Dr. ——— I insist upon your not having any longer. His experience and humanity are upon a par. Positively you must contrive some method for me to see you. How can love like mine support existence, if you should be ill, and I should not be permitted to see you! But I can neither think nor write any more.

To the same. Cannon Coffee-house, Charing-Cross, 4 May, 1777.

Did you get the incoherent scrawls I wrote you yesterday and the day before? Your's I have this instant read and wept over. Your feeble writing speaks you weaker than you own. Heavens, am I come hither only to find I must not see you! Better I had staid in Ireland. Yet, now do I breathe the same air with you. Nothing but your note last night could have prevented me, at all hazards, from forcing my way to your bedside. In vain did I watch the windows afterwards, to gather information from the passing lights, whether you were better or worse. For God of Heaven's sake send me an answer to this.

To Mr. ———.

A. 4 May, 1777, 3 o'clock.

My dear mistress bids me write this from her mouth—"These are the last words I speak. My last thoughts will be on you, my dearest dear H. In the next world we shall meet. Live, and cherish my memory. Accept the contents of this little box. Be a friend to my children. My little girl."—

To the same.

A. 4 May, 1777, 5 o'clock.

My dear Soul,—At the hazard of my life I write this to tell you Heaven has spared my life to your prayers. The unfinished note, which my hasty maid—I can't go on.

Sir,—My dear Mistress bids me say, Sir, that her disorder has taken a turn within this hour, and the physicians have pronounced her out of all danger. . . . Honoured Sir, I humbly crave your pardon for sending away my scribble just now, which I am afraid has made you uneasy; but indeed, Honoured Sir, I thought it was all over with my poor dear mistress; and then, I am sure I should have broke my heart. For, to be sure, no servant ever had a better, nor a kinder mistress. Sir, I presume to see your Honour to-morrow. My mistress fainted away as she began this, but is now better.

A. 6 o'clock.

To Miss ———.

Cannon Coffee-house, 27 June, 1777, 5 o'clock.

As I want both appetite and spirits to touch my dinner, though it has been standing before me these ten minutes, I can claim no merit in writing to you. May you enjoy that pleasure in your delightful situation on the banks of the Thames, which no situation, no thing upon earth, can in your absence afford me!

Do you ask me what has lowered my spirits to day? I'll tell you. Don't be angry, but I have been to see the last of poor Dodd. Yes, "Poor Dodd?" though his life was justly forfeited to the laws of his country. The scene was affecting—it was the first of the kind I had ever seen; and

shall certainly be the last. Though had I been in England when Peter Toloso was deservedly executed in February, for killing Dmarzey, a young French woman with whom he lived, I believe I should have attended the last moments of a man who could murder the object of his love. For the credit of my country, this man (does he deserve the name of *man*?) was a Spaniard.

Do not think I want tenderness, because I was present this morning. Will you allow yourself to want tenderness, because you have been present at Lear's madness, or Ophelia's? Certainly not. Believe me (you *will* believe me, I am sure)—I do not make a profession of it, like George S. Your H. is neither *artiste* nor *amateur*—nor do I, like Paoli's friend and historian, hire a window by the year, which looks upon the Grassmarket at Edinburgh.

Raynall's book you have read, and admire. For its humanity it merits admiration. The Abbé does not countenance an attendance on scenes of this sort by his writings, but he does by his conduct. And I would sooner take Practice's word than Theory's. Upon my honour Raynall and Charles Fox, notwithstanding the rain, beheld the whole from the top of an unfinished house, close by the stand in which I had a place.

However meanly Dodd behaved formerly, in throwing the blame of his application to the chancellor on his wife, he certainly died with resolution. More than once to-day I have heard that resolution ascribed to his hope that his friend Hawes, the humane founder of the humane society, would be able to restore him to life. But I give him more credit. Besides, Voltaire observes that the courage of a dying man is in proportion to the number of those who are present—and St. Evremond (the friend of the French M.) discovered that *les Anglois surpassent toutes les nations à mourir*. Let me surpass all mankind in happiness, by possessing my *Ninon* for life, and I care not how I die.

Some little circumstances struck me this morning, which, however, you may refuse to forgive me for so spending my morning, I am sure you would not forgive me were I to omit. Before the melancholy procession arrived, a sow was driven into the space left for the sad ceremony, nor could the idea of the approaching scene, which had brought the spectators together, prevent too many from laughing, and shouting, and enjoying the poor animal's distress, as if they had only come to Tyburn to see a sow baited.

After the arrival of the procession, the preparation of the unhappy victim mixed something disagreeably ludicrous with the solemnity. The tenderest could not but feel it, though they might be sorry that they *did* feel it. The poor man's wig was to be taken off, and the night-cap brought for the purpose was too little, and could not be pulled on without force. Valets de chambre are the greatest enemies to heroes. Every guinea in my pocket would I have given, that he had not worn a wig, or that (wearing one) the cap had been bigger.

At last arrived the moment of death. The driving away of the cart was accompanied with a noise which best explained the feelings of the spectators for the sufferer. Did you never observe, at the sight or the relation of any thing shocking, that you closed your teeth hard, and drew in your breath hard through them, so as to make a sort of hissing sound? This was done so universally at the fatal moment, that I am persuaded the noise might have been heard at a considerable distance. For my own part, I detected myself, in a certain manner, accompanying his body with the motion of my own; as you have seen people writhing and twisting and biassing themselves, after a bowl which they have just delivered.

Not all the resuscitating powers of Mr. Hawes can, I fear, have any effect; it was so long before the mob would suffer the hearse to drive away with the body.

Thus ended the life of Dr. Dodd. How shocking, that a man with whom I have eaten and drunk, should leave the world in such a manner! A manner which, from familiarity, has almost ceased to shock us, except when our attention is called to a Perreau or a Dodd. How many men,

how many women, how many young, and, as they fancy, tender females, with all their sensibilities about them, hear the sounds, by which at this moment I am disturbed, with as much indifference as they hear muffins and matches cried along the streets! *The last dying speech and confession, birth, parentage, and education*—Familiarity has even annexed a kind of humour to the cry. We forget that it always announces the death (and what a death!) of one fellow being; sometimes of half a dozen, or even more.

A lady talks with greater concern of cattle-day than of hanging-day. And her maid contemplates the mournful engraving at the top of a dying speech, with more indifference than she regards the honest tar hugging his sweetheart at the top of "Black-eyed Susan." All that strikes us is the ridiculous tone in which the halfpenny ballad-singer chants the requiem. We little recollect that, while we are smiling at the voice of the charmer, wives or husbands (charm she never so wisely), children, parents, or friends, perhaps all these and more than these, as pure from crimes as we, and purer still perhaps, are weeping over the crime and punishment of the darling and support of their lives. Still less do we at this moment (for the printer always gets the start of the hangman, and many a man has bought his own dying-speech on his return to Newgate by virtue of a reprieve)—still less do we ask ourselves, whether the wretch, who, at the moment we hear this (which ought to strike us as an) awful sound, finds the halter of death about his neck, and now takes the longing farewell, and now hears the horses whipped and encouraged to draw from under him for ever, the cart which he now, now, now feels depart from his lingering feet—whether this wretch really deserved to die more than we. Alas! were no spectators to attend executions but those who deserve to live, Tyburn would be honoured with much thinner congregations.

Still Cannon Coffee-house.

Well—I have made an uncomfortable sort of a meal on tea, and now I will continue my conversation with you. *Conversation*—a plague on words, they will bring along with them ideas! This is all the conversation we must have together for some days. Have I deserved the misery of being absent from my M.? To bring proofs of my love, would be to bring proofs of my existence. They must end together. Oh M. does the chaste resolution which I have so religiously observed ever since I offered you marriage, deserve no smiles from Fortune? Is then my evil genius never to relent? Had I not determined to deserve that success which it is not for mortals to command, I should never have struggled with my passions as I did the first time we met after your recovery. What a struggle! The time of year, the time of day, the situation, the danger from which you were hardly recovered, the number of months since we had met, the languor of your mind and body, the bed, the every thing—Ye cold-blooded, white-livered sons and daughters of chastity, have ye no praises to bestow on such a forbearance as that? Yet, when your strength failed you, and grief and tenderness dissolved you in my arms; when you reclined your cheek upon my shoulder, and your warm tears dropt into my bosom; then—who could refrain?—then—

What then, ye clay-cold hyper-criticks in morality?

Then—even then—"I took but one kiss, and I tore myself away"

Oh that I could take only one look, at this moment!

Your last says *the sun will shine*. Alas, I see no signs of it. Our prospects seem shut up for ever.

With regard to the stage—we will talk of it. My objections are not because I doubt your success. They are of a different kind—the objections of love and delicacy. Be not uneasy about my selling out. The step was not so imprudent. What think you of orders? More than once you know you have told me I have too much religion for a soldier. Will you condescend to be a poor parson's wife?

But I shall write to-morrow at this rate.

To the same.

7 July, 77.

Since last night I have changed my mind—totally changed it. I charge you not to see Mrs. Yates this morning. Write her word your mind is changed. Never will I consent to be supported by your labours. Never, never shall your face, your person, your accomplishments be exposed for so much an hour. By the living God I will not forgive you if you do not give up all thoughts of any such thing.

To the same.

Croydon, 20 Sept. 1777.

That you have taken to drawing gives me particular pleasure. Depend upon it you will find it suit your genius. But, in truth, your genius seizes every thing. While your old friend is eating his corn, I sit down to tell you this; which I would not say to your face, lest you should call it flattery. Though you well knew flattery is a thing in which we never deal. My opinion of the great man's stile of painting, who condescends to improve you in drawing, is exactly your's. Posterity will agree with us. The subjects you recommended to his pencil are such as I should have expected from my M.'s fancy. While I walked my horse hither this morning, two or three subjects of different sorts occurred to me. All of them would not suit his style. But I know one or two of them would not displease you, if well executed. Some of them I will send you.—

Louis XIV. when a boy, viewing the battle of St. Anthony from the top of Charome. In 1650, I think.

Richard Cromwell, when the Prince de Conti, Condé's brother, told him in conversation, at Montpellier, without knowing him, that Oliver was a great man, but that Oliver's son was a miscreant for not knowing how to profit by his father's crimes.

Milton, when the idea first struck him of changing his mystery into an epic poem.

Demosthenes declaiming in a storm.

William the Conqueror, and his rebellious son Robert, discovering each other in a battle; after they had encountered hand to hand for some time.

Charles XII. tearing the Vizir's robe with his spur. And again, after lying in bed ten months at Demotica.

"——— Though my mother could na speak,

"She look'd in my face till my heart was like to break."

The Abra of Prior's Solomon,

"When she, with modest scorn, the wreath return'd,

"Reclin'd her beauteous neck, and inward mourn'd."

Our Elizabeth, when she gave her Essex a box on the ear.

Chatterton's Sir Charles Bawdin, parting from his wife—

"Then tir'd out with raving loud,

"She fell upon the floor;

"Sir Charles exerted all his might,

"And march'd from out the door."

The Conference of Augustus, Anthony and Lepidus (you are deep in Goldsmith, I know). Do you remember the scene? Equally suspicious of treachery, they agreed to meet on a little island near Mutina. Lepidus first passed over. Finding every thing safe, he made the signal. Behold them, yonder, seated on the ground, on the highest part of a desolate island, unattended, fearful of one another, marking out cities and nations, dividing the whole world between them; and mutually resigning to destruction, agreeably to lists which each presented, their dearest friends and nearest relations. Salvator Rosa would not make me quarrel with him for doing the back ground. Your friend, if any one living, could execute the figures.

Let me suggest one more subject.—Monmouth's decapitation, in the time of James II. History speaks well of his free and person. The circumstances of his death are these. He desired the executioner to dis-

patch him with more skill than he had dispatched Russel. This only added to the poor fellow's confusion, who struck an ineffectual blow. Monmouth raised his face from the block, and with a look (which I can not describe, but the painter must give) reproached his failure. By the turn of the head, the effect of the blow might be concealed, and left to fancy; who might collect it from the faces of the nearest spectators.—The remainder of the scene is too shocking for the eye, almost for the ear. But, I know not how, whenever I am away from you, nothing is too shocking for me.—Monmouth again laid down his head. The executioner struck again *and again*, to as little purpose; and, at last, threw down the axe. The sheriff obliged the man, whose feelings all must pity and respect, to renew his attempt. Two strokes more finished the butchery.

Were it possible to tear off this last subject without destroying half my letter, I really would. It will make you shudder too much. But, you see, it is not possible; and you prefer such a letter as this, I know, to none. The paper only affords me room to say my horse is ready. Every step he carries me from you, will be a step from happiness. My imagination *would* busy herself just now, about the manner in which I should behave, if I were to die as ignominiously as Monmouth. But as I feel no inclination for rebellion, fancy threw away her pains.

To the same.

5 February, 1778.

Oh! my dearest M. what I have gone through since I wrote to you last night it is impossible for me to describe. Thank God, you were not in town! Suffice it that my honour and life are both as you wish them. Now, mine of last night is more intelligible. How strange, that the kindest letter almost you ever wrote me, should come to me precisely at the time I was obliged to make up my mind to quit the world, or, what is more, *much more*, to quit you! Yet, so it was.

The story my letter mentioned of a friend, who had received such an affront as no human being could away with, was my own. Your feelings agreed with me, I am sure. Duelling is not what I defend. In general, almost always, it may be avoided. But cases may be put, in which it can be avoided only by worse than death, by everlasting disgrace and infamy. Had I fallen, I know where my last thoughts would have lingered; and you and your children would have had some tokens of my regard. Be assured the matter is for ever at an end, and at an end as properly as even you can wish. How happy shall we be in 79, or 80 (for before that time we shall surely be blest with each other!), to have those friends about us who were privy to this day; and to talk over the possibility of it!

H. in all thy future life sacred be every fifth of February!

My mind is too much agitated to write any more this evening. Tomorrow I will be more particular. My last I am sure could not alarm you; though had any thing happened it would have prepared you. Don't be alarmed by this. Upon my honour! (with which you know I never preface a falsity) I am not hurt; nor, as it since turns out, is the other gentleman—at least, not materially.

One trifling circumstance I must mention. As I was determined either to kill or be killed (unless sufficient apologies should be made),—*the only proper, and least pernicious, idea of duelling*,—I did not see why I should not recruit my strength as much as possible. So about three o'clock, I took some cold saddle of mutton and brandy and water at my friend's. After which I went home to seal up some things for you, where my friend was to call for me. When I saw him coming to my door between four and five, I had just wrung the affectionate hand of the man I most value, and committed to his care you and your dear little girl, and my dear sister, &c. &c. Love, honour, revenge, and all my various feelings would, in spite of myself, parch my tongue. As I took my hat out of my dressing-room, I filled a wine-glass of water, and drank half of it, to moisten my mouth. When I saw that glass again, about an hour ago, on returning to that home, which I never again thought to see, in order to write to her of whom I thought I had taken my last leave in this world

—when I took that glass again into my hand, recollected my feelings on setting it down, and emptied the remainder of its contents, a libation of gratitude to the superintending Providence of Heaven—Oh M. no pen, not even your's, can paint my feelings!

Only remember—in all our future life, each fifth of February be ever sacred!

To the same.

— street, 2 March, 1778.

Your going out of town so suddenly has not served to mend my spirits. But I will be as merry as I can. Were I to be *very* miserable after my late miraculous adventure, I should be guilty of *sullenness* against Providence. The minute account I gave you of it last week, was, I assure you, dictated to my pen by my feelings, before they had forgotten the affecting circumstances. Your observations are truly just and striking. Unpardonable as the affront which I had received appears to mortal eyes, I should not readily, I fear, have found an answer to the question of the enquiring angel, on entering the world of spirits, “What brings you hither?”

Did I tell you on Saturday the particulars of the poor fellow who suffered this day se'nnight for murdering Mrs. Knightly? They are singular. He was an Italian, I understand. Such a thing is not credible, but of an Italian.

Mrs. Knightly's account was, that on the 18th of January Ceppi came into her room, she being in bed, locked the door, sat himself in a chair; and told her he was come to do her business. She, not understanding this, asked him to let her get out of bed; which he did. He then took from his pocket two pistols. She went towards the door in order to get out; but he set his back against it. She, to appease him, told him he might stay breakfast. He answered he would have none, but would give her a good one. She then called out to alarm the house, ran towards the bed, and said, “pray don't shoot me!” and drew up close to the curtains. He followed, and discharged the pistol; after which he threw himself across the bed, and fired the other pistol at himself, which did not take effect. During this a washerwoman ran up stairs, and with a poker broke the bottom pannel of the door, through which Mrs. Knightly was drawn half-naked, and Ceppi, following, ran down stairs; but was pursued and taken. In his defence, he said, he had proposed honourable terms of marriage to her, but that she had refused and deserted him; that he was overcome with grief and love, and that his design was not to hurt her, but to shoot himself in her presence.

It appears, I am afraid, from all the circumstances, that, whatever his despair meant with regard to his own life, he certainly was determined to take away her's. How unaccountably must Nature have mixed him up! Besides the criminality and brutality of the business, the folly of it strikes me. What—because the person, on whom I fixed my affections, has robbed me of happiness by withdrawing *her's*, shall I let her add to the injury, by depriving me of existence also in this world, and of every thing in the next? In my opinion, to run the chance of being murdered by the new object of her affections, or of murdering him, is as little reconcilable to common sense as to common religion. How much less so to commit complicated murder, which must cut off all hopes in other worlds.

Yet could I believe (which I own I cannot, from the evidence in this case) that the idea of destroying her never struck him till his finger was at the trigger—that his only intention was to lay the breathless body of an injured lover at her feet—Had this been the fact, however I might have condemned the deed, I certainly should have wept over the momentary phrenzy which committed it. But, as nothing appears to have past which could at all make him change his plan, I must (impossible as it seems) suppose him to have deliberately formed so diabolical a plan—and must rejoice that he was not of the same country, while I lament that he was of the same order of beings, with myself.

If the favour I mentioned to you o'Saturday be at all out of course, pray don't ask it. Yet the worthy veteran I want to serve has now and

then seen things happen not altogether in course. When he called this morning to learn how I had succeeded, I observed to him, while we were talking, that he got bald. "Yes," said he, shaking his grey hairs, "it will happen so by people's continually stepping over one's head."

He little suspected the channel of my application, but he asked me this morning, whether 50*l*. if he could scrape it together, properly slid into Miss ——'s hand, might not forward his views. My answer was, that I had no acquaintance with the lady, but I knew *for certain* that she had never in her life soiled her fingers with the smallest present of this sort.

Happy, blest, to know you, to love you, and be loved by you!

To the same.

Hockerill, 5 Sept. 1778.

Here did I sit, more than two years ago, in this very room, perhaps in this very chair, thanking you for bliss, for paradise; all claim to which I soon after voluntarily resigned, because I hoped they would soon be mine by claims more just, if possible, than those of love. Two years—how have I born existence all the while! But delicacy, and respect for you, enjoined forbearance. And hope led me on from day to day, deceiving time with distant prospects which I thought at hand. When will the tedious journey end? When will my weary feet find rest? When shall I sleep away my fatigues on the down-soft pillow of the bosom of love. Should hope continue to deceive me, you never shall make me happy, till you make me your husband. Yet, as we sate upon the grass, under the trees near the water, yesterday, just before you returned me my stick, because you thought the gentleman coming along the path by the mill was a certain person—yet, had I then loosened another button or two of my favourite habit, which was already opened by the heat; had I then (you remember, my Laura, the conversation and the scene) forgotten my resolution, forgotten every thing, and rioted in all your glowing charms, which only love like mine could withstand—who is he would dare to blame me? Who would dare to say I had done what he would not have done? But the scene must be shifted.—Sally Harris, you know, arrived only at the dignity of Pomona at Hockerill. Had my M. her due, mankind at large would admit her double claim to the titles of Minerva and of Venus.

To sleep *here* is impossible. As well expect the miser to sleep in the place where he once hung in raptures over a hidden treasure which is now lost. This letter I have an opportunity to send to our old friend, for you, without taking it to town. Let me fill up the remainder of my paper with an almost incredible anecdote I learned from a gentleman who joined me on the road this morning, and travelled some miles with me. It happened last week, I think. Peter Ceppi you remember. Surely that Providence which prevents the propagation of monsters, does not suffer such monstrous examples as these to propagate.

One Empson, a footman to Dr. Bell, having in vain courted for some time a servant belonging to Lord Spencer, at last caused the bans to be put up in church, without her consent; which she forbade. Being thus disappointed, he meditated revenge; and having got a person to write a letter to her, appointing a meeting, he contrived to way-lay her, and surprize her in Lord Spencer's park. On her screaming, he discharged a pistol at her, and made his escape. The ball wounded her, but not mortally.

Oh love, love, can'st thou not be content to make fools of thy slaves, to make them miserable, to make them what thou pleasest! Must thou also goad them on to crimes! must thou convert them into devils, hell-hounds?

To the same.

——— *street, 28 Jan. 1779.*

The short note I wrote to you last night, immediately on my reaching town, you received, I hope. But why no answer to it? Why do you not say when we shall meet? I have ten thousands things to tell you. My situation in Norfolk is lovely. Exactly what you like. The parsonage-house may be made very comfortable at a trifling expence. How happily shall we spend our time there! How glad am I that I have taken orders,

and what obligations have I to my dear B. to Mr. H. and Dr. V. ! Now, my happiness can be deferred no longer. My character and profession are, now, additional weights in the scale. Oh then, consent to marry me directly. The day I lead you to the altar will be the happiest day of my existence.

Thanks, a thousand thanks for your tender and affectionate letters while I was in Norfolk. Be assured G. could mean nothing by what she said. She is our firm friend, I am persuaded. About an hour ago, I called there; but she was out. Presently I shall go again with this, in the hope of hearing something about you.

Oh M. ! every day I live I do but discover more and more how impossible it is for me to live without you.

Don't forget the 5th of next month. We *must* keep that day sacred together.

He then introduces a very able and elegant account of Chatterton, which fills 120 pages of Mr. Croft's work.

The note I risked yesterday you got, I hope. If you had not answered my last but one, I should certainly have thrown this bundle of papers into the fire. Since you are now a good girl again, I send them to you. May they afford you any thing like entertainment ! It was but last night I finished them. Adieu. Much as I dread the expedition, to-morrow I believe must be the day.

17 February, 79.

To the same.

At sea—20 February, 1779.

My dear little angel ! I wrote my last letter to you yesterday at 11 o'clock, just when we sailed. I dined at two o'clock, and, as for the afternoon, I had some music. I have my own servant on board that plays, and a couple of hands from London for the six weeks I am out. We were a good many at dinner. I had about nine people yesterday, and shall have more when the rest of my squadron join me. They staid with me till near seven. I got to supper about 9 o'clock; but I could not eat, and so got to bed about ten. I then prayed for you, my dearest love; kissed your dearest little hair; and lay down, and dreamt of you; and had you on the dear little couch ten thousands times in my arms, kissing you and telling you how much I loved and adored you; and you seemed pleased; but, alas, when I woke I found it all *dillusion*—no body by me but myself at sea. I rose by time, at half past five, and went upon deck. There I found my friend Billy, and walked with him for about an hour, till Barington came to me. We then breakfasted about 8 o'clock, and by 9 I began and exercised the ships under my command till 12. It is now one, and when I finish this letter to you, my dear love, I shall dress and go to dinner at two o'clock. It is a rule on board to dine at 2, breakfast at 8, and sup at 9—always, if nothing hinders me, I shall be a-bed by 10, or soon after, and up by half past five in the morning, in order to have, if there is any occasion, orders ready for the fleet under my command before I begin to exercise them. I am sure the account of this day's duty can be no pleasure to you, my love; yet it is exactly what I have done; and as I promised you always to let you know my motions and my thoughts, I have now performed my promise this day to you, and always will until the very last letter you shall have from me, which will be between 5 and 6 weeks hence. I shall send the Admiralty word that I am arrived at Spithead. Then I shall only wait for their answer, which will be with me in a few hours, to strike my flag—and then I shall return to you that instant. O' my love, mad and happy beyond myself to tell you how I love you and have thought of you ever since I have been separated from you ! The wind being contrary to-day about one, I put off dinner till three o'clock, in order to anchor ships for this night in Portland road, just off Weymouth, about 2 miles. I hope to sail to-morrow by 5 in the morning. I hope you are well. I am sure I need not tell you I have

had nothing in my thoughts but your dear self, and long for the time to come back again to you. I will, all the while, take care of myself because you desire, my dear little friend does, the angel of my heart! Pray do you take care of your dear self for the sake of your faithful servant, who lives but to love you, to adore you, and to bless the moment that he has made you generous enough to own him. I hope, my dear, nay I will dare to say, you never will have reason to repent it. The wind was not so contrary but we could have sailed on: but I told Barrington that, as it was not fair, I would anchor, especially as I could send one of my frigates in, for that I had dispatches of consequence to send to London. Indeed, my dear angel, I need not tell you. I know you read the reason too well that made me do so. It was to write to you, for God knows I have wrote to none else, nor shall I to any other but to the King. God bless you, most amiable and dearest little creature living—aimons toujours, mon adorable petite amour.

Je vous adore plus que la vie mesme.

I have been reading for about an hour this morning in Prior, and find these few lines, just now, applicable to us.

How oft had Henry chang'd his sly disguise,
Unmark'd by all but beauteous Harriet's eyes;
Oft had found means alone to see the dame,
And at her feet to breathe his am'rous flame;
And oft the pangs of absence to remove
By letters, soft interpreters of love,
Till time and industry (the mighty two
That bring our wishes nearer to our view)
Made him perceive that the inclining fair
Receiv'd his vows with no reluctant ear;
That Venus had confirm'd her equal reign,
And dealt to Harriet's heart a share of Henry's pain.

Such is my amusement to read those sort of things that puts me in mind of our mutual feelings and situations. Now, God bless you, till I shall again have an opportunity of sending to you. I shall write to you a letter a day as many days as you miss *herein* of me when I do they shall all come Friday 16 June. God bless—I sha'n't forget you. God knows you have told so before I have your heart, and it lies warm in my breast. I hope mine feels as easy to you, thou joy of my life. Adieu.

Well, my M.—how like you my pen to-day? Don't you think I am improved? In time I shall come to write such letters as may appear in print. Were you not surprised to read a letter dated at sea; and to find me write about my squadron, and the King, and the Lord knows what? when we parted but yesterday within the bills of mortality. Come, I'll now put off my mask. The hopes you gave me yesterday of so soon calling you mine, and to-day's uncommon fineness, had quite inspired me with good spirits. A copy of the letter I have just transcribed was given me last night; and, as I promised to write to you to-day, I thought it would amuse you more than any thing I could say. It has blood-royal in it, I assure you; and I'll take my *bible oath* of its authenticity. When you have *nobody by you but yourself*, I think it will make you laugh. Compare this King's brother with my sexton's son; who, during the composition of this letter, was writing Rowley's poems. Where I could make it sense by stopping it, I have. The original is all written post. Cupid never stops to bait. Then he has no eyes, you know; which is an excuse for bad spelling, and confusion in the sense. Poor blind boy! It's very well he can contrive to write at all. With regard to some of it, we are still in the dark; but Lady G. made it out, I dare say. Oh Love, almighty Love! with what eloquence does adoration of thee inspire thy votaries!

Now, in my own character. What you desired so earnestly shall certainly be done. As to the disparity of our years, what you said about it yesterday did honour to your heart, but was all nothing to the purpose. My mind is made up. Besides, I knew your age all along. Do you re-

member some sufficiently bald poetry, with the reading of which I taxed your patience when I was quartered at * Huntingdon, I believe? May I be hanged, drawn, and quartered, if I did not, at the time I wrote it, know as well as yourself how many years you were older than I! But I well knew you were not acquainted with *my* age; which, by those lines, I hoped to conceal from you. Then I thought, if you should suspect or come to know I was younger than you, that though the idea (as you will see, unless you have committed them to the flames they merit) turns, in fact, upon our being *born* in the same year, on the same day almost—yet, that you *might* take it to turn upon the circumstance of our *birth-days* happening almost together; and so overlook, in considering the nearness of our birth-days, the disparity of our ages.

But it's useless to say a word more to me on this subject—all you pointed out I see—and I am determined. Remember *Nanon*. You are not quite old enough to be my *mother*.

By the day after to-morrow I hope to be able to tell you your business is done. Of that song which I gave you some time ago, and with which you are often kind enough to treat me, I have discovered the author. You know what I mean—"When your beauty appears, &c." It was written by the elegantly-simple Parnell.

Let me to-day send you another, which, as I never heard you sing it, I suppose you have never seen—otherwise, from what I know of your taste, it must have been your favourite.

The moans of the forest after the battle of Flodden-field.

I have heard a lilting, at the ewes milking,
A' the lasses lilting before break of day;
But now there's a moaning, in ilka green loning,
Since the flowers of the forest are weeded away:

At bughts in the morning, nae blythe lads are scorning,
Our lasses are lonely, and dowie, and wae:
Nae daffing, nae gabbing, but sighing and sobbing.
Ilka lass lifts her leglin, and hies her away.

In har'st at the shearing, nae swankies are jeering,
Our bansters are wrinkled and lyard and grey:
At a fair or a preaching, nae wooing, nae fleetching,
Since the flowers of the forest are weeded away.

At e'en in the glooming, nae youngsters are roaming
'Bout stacks with the lasses at boggles to play;
But ilka lass sits dreary, lamenting her deary,
Since the flowers of the forest are weeded away.

Dool and wae fa' the order—sent our lads to the border!
The English for once by a guile won the day:
The flowers of the forest, that shone aye the foremost,
The pride of our land now ligs cauld in the clay!

We'll ha' nae mair lilting, at the ewes milking,
Our women and bairns now sit dowie and wae:
There's nought heard but moaning in ilka green loning,
Since the flowers of the forest are weeded away.

To the same.

24th February, 1779.

Since we parted yesterday I have thought a good deal of what we talked about. Though I did not promise to write to you till to-morrow, I take

* The Editor cannot but observe, that if Mr. H. had not, in this subsequent letter, by the merest accident in the world, explained those lines, they would have thrown an unjust suspicion of suppositiousness on this whole volume, and few people would have believed those letters to have been genuine, from one of which it was so clear that H. was so very ignorant of Miss ——'s age

up my pen you see this morning. The business that is to forward our marriage (which can alone make me happy, and remove that melancholy you observe) cannot be done till the evening—so I may as well spend this morning in talking to you upon paper.

The manner in which you account for the self-destruction of that most wonderful boy Chatterton is physical, I assure you, as well as sensible. Tissot, in his *Essay on the Diseases incident to Literary Persons*, starts some ideas very much like yours, only they are wrapped up in harder words. You shall see :

“When the mind, long time occupied, has forcibly impressed an action upon the brain, she is unable to repress that forcible action. The shock continues after its cause; and, re-acting upon the mind, makes it experience ideas which are truly delirious: for they no longer answer to the external impressions of objects, but to the internal disposition of the brain, some parts of which are now become incapable to receive the new movements transmitted to it by the senses.

“The brain of Paschal was so vitiated by passing his life in the laborious exercises of study, thought, and imagination, that certain fibres, agitated by incessant motion, made him perpetually feel a sensation which seemed to be excited by a gulph of fire situated on one side of him; and his reason, overpowered by the disorder of his nerves, could never banish the idea of this fiery abyss. Spinnello painted the fall of the rebel angels, and gave so fierce a countenance to Lucifer, that he was struck with horror himself; and during the remainder of his life, his imagination was continually haunted by the figure of that dæmon, upbraiding him with having made his portrait so hideous. Gaspar Barlaeus, the orator, poet, and physician, was not ignorant of these dangers. He warned his friend Hughens against them: but, blind with regard to himself, by immoderate studies he so weakened his brain, that he thought his body was made of butter, and carefully shunned the fire, lest it should melt him; till at last, worn out with his continual fears, he leapt into a well. Peter Jurieu, so famous in theological dispute, and for his *Commentary on the Apocalypse*, disordered his brain in such a manner that, though he thought like a man of sense in other respects, he was firmly persuaded his frequent fits of the cholick were occasioned by a constant engagement between seven horsemen who were shut up in his belly. There have been many instances of literary persons who thought themselves metamorphosed into lanterns; and who complained of having lost their thighs.”

No one can deny that Chatterton must have gone through as much wear and tear of the imagination as any person Tissot mentions. But I would give a good deal were it possible for me never again to think about Chatterton, or about his death, as long as I live—for I never do without being miserable.

What you let fall about the propensity of the English to suicide, is not true; though a very popular idea. And yet I will relate to you, in the words of another person, an instance of English suicide much more cool and deliberate than any you ever heard, I dare say. It is a fact, and happened in 1732.

“Richard Smith, a bookbinder, and prisoner for debt within the liberties of the King’s Bench, persuaded his wife to follow his example, in making away with herself, after they had murdered their little infant. This wretched pair were, in the month of April, found hanging in their bed-chamber at about a yard’s distance from each other; and in a separate apartment, the child lay dead in a cradle. They left two papers inclosed in a short letter to their landlord, whose kindness they implored in favour of their dog and cat. They even left money to the porter who should carry the inclosed papers to the person to whom they were addressed. In one of these the husband thanked that person for the marks of friendship he had received at his hands; and complained of the ill offices he had undergone from a different quarter. The other papers, subscribed by the husband and wife, contained the reasons which induced them to

act such a tragedy on themselves and their offspring. This letter was altogether surprising for the calm resolution, the good humour, and the propriety, with which it was written. They declared, that they withdrew themselves from poverty and rags; evils that, through a train of unlucky accidents, were become inevitable. They appealed to their neighbours for the industry with which they had endeavoured to earn a livelihood. They justified the murder of their child, by saying, it was less cruelty to take her with them, than to leave her friendless in the world, exposed to ignorance and misery. They professed their belief and confidence in an Almighty God, the fountain of goodness and beneficence, who could not possibly take delight in the misery of his creatures; they therefore resigned up their lives to him without any terrible apprehensions; submitting themselves to those ways, which, in his goodness, he should appoint after death.—These unfortunate suicides had been always industrious and frugal, invincibly honest, and remarkable for conjugal affection.”

This tragedy I have shown you, because I think France, lively France, in whose language suicide is an *Anglicism*, can supply me with an anecdote as authentic of something still more cool and more deliberate, since the motives to the crime (to which no motive can be sufficiently strong) were so much weaker.—

On the day before Christmas-day, 1773, about eleven o'clock, two soldiers came to the Cross-Bow Inn at St. Dennis, and ordered dinner. Bordeaux, one of the soldiers, went out and bought a little paper of powder, and a couple of bullets, observing to the person who sold them to him, that St. Dennis seemed to be so pleasant a place, he should not dislike to spend the remainder of his life there. Returning to the inn, he and his companion passed the day together very merrily. On Christmas-day they again dined as merrily, ordered wine, and about five o'clock in the afternoon, were found by the fire, on breaking open the door, sitting on the opposite sides of a table, whereon were three empty champagne bottles, the following will and letter, and a half crown. They were both shot through the head; two pistols lay upon the floor. The noise of the pistols brought up the people of the house, who immediately sent for M. de Rouilleres, the commandant of the *maréchaussée* at St. Dennis.

The will I translated myself from a formal copy, which was taken for a friend of mine at St. Dennis, in 1774.

THE WILL.

“A man who knows he is to die, should take care to do every thing which his survivors can wish him to have done. We are more particularly in that situation. Our intention is to prevent uneasiness to our host, as well as to lighten the labours of those whom curiosity, under pretence of form and order, will bring hither to pay us visits.

“Humain is the bigger, and I, Bourdeaux, am the lesser of the two.

“He is drum-major of *mestre de camp* des dragons, and I am simply a dragoon of Belzunce.

“Death is a passage. I address to the gentleman of the law of St. Dennis (who, with his first clerk as assistant, must come hither for the sake of justice) the principle, which, joined to the reflection that every thing must have an end, put these pistols into our hands. The future presents nothing to us but what is agreeable—Yet that future is short, and must end.

“Humain is but 24 years of age; as for me, I have not yet completed four lustres. No particular reason forces us to interrupt our career, except the disgust we feel at existing for a moment under the continual apprehension of ceasing to exist. An eternity is the point of re-union; a longing after which leads us to prevent the despotic act of fate. In fine, disgust of life is our sole inducement to quit it.

“If all those who are wretched would dare to divest themselves of prejudice, and to look their destruction in the face, they would see it is as easy to lay aside existence as to throw off an old coat, the colour of which displeases. The proof of this may be referred to our experience.

"We have enjoyed every gratification in life, even that of obliging our fellow-creatures. We could still procure to ourselves gratifications: but all gratifications must have a period. That period is our poison. We are disgusted at the perpetual sameness of the scene. The curtain is dropped; and we leave our parts to those who are weak enough to feel an inclination to play them a few hours longer.

"Two or three grains of powder will soon break the springs of this moving mass of flesh, which our haughty fellow-creatures stile the King of Beings.

"Messrs. the officers of justice, our carcasses are at your discretion. We despise them too much to give ourselves any trouble about what becomes of them.

"As to what we shall leave behind us—for myself, Bordeaux, I give to M. de Rouilleres, commandant of the *maréchaussée* at St. Dennis, my steel-mounted sword. He will recollect, that, last year, about this very day, as he was conducting a recruit, he had the civility to grant me a favour for a person of the name of St. Germain, who had offended him.

"The maid of the inn will take my pocket and neck-handkerchiefs, as well as the silk stockings which I now have on, and all my other linen whatever.

"The rest of our effects will be sufficient to pay the expence of the useless law proceedings of which we shall be the subject.

"The half crown upon the table will pay for the last bottle of wine which we are going to drink.

"At St. Dennis,
Christmas-day, 1773.

"Bordeaux.
"Humain."

Of the following letter from Bordeaux to his lieutenant in the regiment of Belzunce, I have not seen the French; I cannot therefore answer for the translation, which does not appear to have been done carefully. Another friend supplied me with it. You shall have it as I had it from him.

"Sir—During my residence at Guise, you honoured me with your friendship. It is time that I thank you. You have often told me I appeared displeased with my situation. It was sincere, but not absolutely true. I have since examined myself more seriously, and acknowledge myself entirely disgusted with every state of man, the whole world, and myself. From these discoveries a consequence should be drawn: if disgusted with the whole, renounce the whole. The calculation is not long. I have made it without the aid of geometry. In short, I am on the point of putting an end to the existence that I have possessed for near twenty years, fifteen of which it has been a burden to me; and, from the moment that I write, a few grains of powder will destroy this moving mass of flesh, which we vain mortals call the King of Beings.

"I owe no one an excuse. I deserted, that was a crime; but I am going to punish it; and the law will be satisfied.

"I asked leave of absence from my superiors, to have the pleasure of dying at my ease. They never condescended to give me an answer. This served to hasten my end.

"I wrote to Bord to send you some detached pieces I left at Guise, which I beg you to accept. You will find they contain some well-chosen literature. These pieces will solicit for me a place in your remembrance.

"Adieu, my dear lieutenant! continue your esteem for St. Lambert and Dorat. As for the rest, skip from flower to flower, and acquire the sweets of all knowledge, and enjoy every pleasure.

"Pour moi, j'arrive au trou

"Qui n'échappe ni sage ni fou,

"Pour aller je ne sçais où.

"If we exist after this life, and it is forbidden to quit it without permission, I will endeavour to procure one moment to inform you of it; if not, I should advise all those who are unhappy, which is by far the greatest part of mankind, to follow my example.

"When you receive this letter, I shall have been dead at least 24 hours.
 "With esteem, &c. Bordeaux."

Is there any thing like this in English story?

If we exist after this life—Ah, my brave Bordeaux, that is the question; and a question which even you could not answer in the *negative*.

—————There's the retrospect
 That makes calamity of so long life,
 For who would bear the whips and the scorns o'th'time,
The pangs of despised love,

(which I could never bear)

—————The law's delay,
 The insolence of office, and the spurns
 Which patient merit of th'unworthy takes?
 But that the dread of something after death
 Puzzles the will,
 And makes us rather bear those ills we have,
 Than fly to others that we know not of.

The pains these two poor fellows took (or rather Bordeaux, for he seems to have been the principal) to prevent any trouble or uneasiness to their survivors, lead me to reflect how very uniformly the contrary is the conduct of suicides with us. One would sometimes almost fancy that they studied how they might commit the abominable crime so as to be found by those whom the discovery would most affect. Have they wives, children? It must be done sometimes in their presence, in bed with them; often in their hearing; almost always in such a manner that they may be the first spectators of it. Mr. Y. Lord F. Mr. S. Lord C. Mr. B. are cruel instances of this. Oh for Omnipotence to call such savages back to life, and chain them to the hardest tasks of existence! Is not the crime of suicide sufficient, without adding to it the *murder* of a heart-broken wife or child? Hence you may, perhaps, draw an argument that every suicide is a madman. For my part, I have no doubt of it; and if Humain had fallen into the hands of a friendless mad than Bordeaux, he might have lived to have fought another day.

And here ends a long, dull letter, about a short, entertaining conversation (on your part at least). Don't stay long out of town, or I shall write you *madder* notes than you received during the week I was employed on the letter about Chatterton. When I think of you, I am mad—What must I be when I have reason to think (or fancy so) that you don't think of me? G. is gone.

To the same.

1 March, 1779.

Though we meet to-morrow, I must write you two words to-night, just to say, that I have all the hopes in the world, ten days at the utmost, will complete the business. When that is done, your only objection is removed along with your debts; and we may, surely, then be happy, and be so soon. In a month, or *six weeks at furthest*, from this time, I might certainly call you mine. Only remember that my *character*, now I have taken orders, makes expedition necessary. By to-night's post I shall write into Norfolk about the alterations at our parsonage.—To-morrow.—G.'s friendship is more than I can ever return.

To Charles ———, Esq.

20 March, 1779.

Your coming to town, my dear friend, will answer no end. G. has been such a friend to me, it is not possible to doubt her information.—What interest has she to serve? Certainly none. Look over the letters, with which I have so pestered you for these two years, about this business. Look at what I have written to you about G. since I returned from Ireland. She can only mean *well* to me. Be not apprehensive. Your friend will take no step to disgrace himself. What I shall do I know not. Without her I do not think I can exist. Yet I will be, you shall see, a *man*, as well

as a lover. Should there be a rival, and should he merit chastisement, I know you'll be my friend. But I'll have ocular proof of every thing before I believe.
Your's ever.

To the same.

6 April, 1779.

It signifies not. Your reasoning I admit. Despair goads me on. Death only can relieve me. By what I wrote yesterday, you must see my resolution was taken. Often have I made use of my key to let myself into the A. that I might die at her feet. She gave it me as the key of love—Little did she think it would ever prove the key of death. But the loss of Lady H. keeps Lord S. within.

My dear Charles, is it possible for me to doubt G.'s information? Even you were staggered by the account I gave you of what passed between us in the Park. What then have I to do, who only lived when she loved me, but to cease to live now she ceases to love? The propriety of suicide, its cowardice, its crime—I have nothing to do with them. All I pretend to prove or to disprove is my misery, and the possibility of my existing under it. Enclosed are the last dying words and confession of poor Captain J. who destroyed himself not long ago. But these lines are not the things which have determined me. There are many defects in the reasoning of them, though none in the poetry.—His motives are not mine, nor are his principles mine. *His* ills I could have borne. He told me of his inducement, poor fellow! But I refused to allow them. Little did I imagine that I should ever have inducements, as I now have, which I *must* allow. These extraordinary lines are said to be his. Yet, from what I knew of him, I am slow to believe it. They strike me as the production of abilities far superior to his; of abilities sent into the world for some particular purpose, and which Providence would not suffer to quit the world in such a manner.

Till within this month, till G.'s information, I thought of self-murder as you think of it. Nothing now is left for me but to leap the world to come. If it be a crime, as I too much fear, and we are accountable for our passions, I must stand the trial and the punishment. My invention can paint no punishment equal to what I suffer here.

Think of those passions, my friend—those passions of which you have so often, since I knew Miss —, spoken to me and written to me. If you will not let me fly from my misery, will you not let me fly from my passions? They are a pack of bloodhounds which will inevitably tear me to pieces. My carelessness has suffered them to overtake me, and now there is no possibility but this, of escaping them. The hand of Nature heaped up every species of combustible in my bosom. The torch of love has set the heap on fire. I must perish in the flames. At first I might perhaps have extinguished them—now they rage too fiercely. If they can be smothered, they can never be got under. Suppose they should consume any other person beside myself. And who is he will answer for passions such as mine?—At present, I am innocent.

Did you ever read D'Arnaud? Let me tell you a story I found in him the other day. It made me shudder at the precipice on which I stand. It determined me to shut the adamantine gates of death against possibility.

“Salvini, an Italian (no Englishman *could* commit his crime), in whose mind my mind discovered its relation, becomes intimate with Adelson, an Englishman of fortune, at Rome. Salvini accompanies him to England, and is introduced by him to Mrs. Rivers and her daughter, his intended wife. Adelson introduced a rival and a — but you shall hear. Love, who had never before been able to conquer Salvini, now tyrannized over him, as cruelly as he has tyrannized over me. The tale is well worked up. Love leads his victim, by degrees, from one crime to another; till, at last, on the day fixed for Nelly's marriage with Adelson, Salvini murders her, and endeavours to murder himself. The attendants preserve him, a further victim to justice. He is committed to Newgate—condemned to death. Adelson bribes a jailor to afford Salvini that

opportunity to escape, which he twice refuses. He satisfies *human* justice by suffering at Tyburn. Adelson and Mrs. Rivers increase his crime, by dying of grief in consequence of it.*

Oh Charles—Charles—as yet thy H. is no Salvini. Nor will I murder any but myself. As yet the devil has not tempted me to plunge my *Eloise* along with me into the unfathomable depths of destruction.—Take the lines I mentioned. They are too good for the bad cause they were written to defend. My watch I have sealed up for you : wear it for my sake. Crop has been a faithful servant to me, accept of him ; and when he is too old to carry you, let him have the run of your park. He once (how happy was I that day !)—he once bore the precious burden of her for whom I die. Already have I bid you solemnly farewell. It shall not be repeated. While I *do* live. Your own H.

Averse from life, nor well resolv'd to die,
Us'd but to murmur, I retain my breath—
Yet pant, enlarg'd from this dull world, to try
The hospitable, though cold, arms of death.

What future joys should bid me wish to live ?
What flattering dreams of better days remain ?
What prospect can obscure existence give,
A recompence for penury and pain ?

Is there an hope that o'er this unton'd frame
Awaken'd health her wonted glow shall spread ?
Is there a path to pleasure, wealth, or fame,
Which sickness, languor, and remorse can tread ?

Then wherefore should I doubt ? what should I fear ?
Why for a moment longer bear my grief ?
Behold ! my great deliverer is near !
Immediate as I wish, his prompt relief.

O instance strange of free, but blinded will,
Discuss'd so much, so little understood,
To bear the certainty of present ill,
Before the uncertain chance of ill or good !

But what that chance ? Why, be it what it may ;
Still 'tis a chance : and here my woes are sure.
Yet think these woes are sorrows of a day,
While those to all eternity endure.—

Think on the horrors of eternal pain !
Imagination startles at the name ;
Nor can impress upon the labouring brain
Duration endless still, and still the same.—

Well hast thou said—nor can it be impress'd.
Hath blind credulity that abject slave,
Who thinks his nothingness, for ever bless'd,
Shall hold eternal triumph o'er the grave ?

* When first I read this letter I had never heard of D'Arnaud. I now inquired for such a writer. Still I could not credit Mr. H. Who could believe that poor H.'s story should be related so many years before it happened, under the name of Salvini ? But so it is. (*Epreuves du sentiment*, par M. D'Arnaud. Maestricht, 1774. Tome. 3. 101.) The circumstance is so remarkable, that a note an hour long might be written upon it. If H.'s story be more complete than Salvini's, it does but show that Nature is a better writer than D'Arnaud. He yields, yet yields only to her pen ; and even Nature appears to have borrowed from D'Arnaud.—“What a compliment !” the reader says—“What a writer, to deserve “such a compliment !” adds the Editor.

Before poor H. concludes this letter, there is an allusion to the most singular scene which Rousseau has so wonderfully painted. *La nouvelle Heloise*, Lettre 17.

When oceans cease to roll, rocks melt away,
 Atlas and Ætna sink into the plain,
 The glorious sun, the elements decay,
 Shall man, creation's flimsiest work, remain?

What shall remain of man?—this outward frame?
 Soon shall it moulder to its native dust—
 Or haply that unbodied subtle flame
 Which occupies and animates the bust?

Let but a finger ache, the kindred soul
 Its intimate alliance shall perceive:
 Let ultimate destruction grasp the whole,
 The soul immortal and unchang'd shall live.

Stop but one conduit, and the tone is lost;—
 But burst each pipe, and tear up every key,
 Then shall the decomposed organ's ghost
 Swell the loud peal of endless harmony.—

So shall that quality, whose powers arise
 From various parts by nicest art arrang'd
 With every shock they suffer sympathize;
 But after their destruction live unchang'd.—

So much for argument—the legends vain
 Of priestly craft reach not th'ingenious mind—
 Let knaves invent, and folly will maintain,
 The wildest system that deludes mankind.

Did there exist the very hell they paint;
 Were there the very heaven they desire;
 'Twere hard to choose, a devil or a saint,
 Eternal sing-song or eternal fire.

Ye idle hopes of future joys, farewell!
 Farewel ye groundless fears of future woe!
 Lo, the sole argument on which to dwell;
 Shall I, or shall I not, this life forego!

I know the storm that waits my destin'd head,
 The trifling joys I yet may hope to reap,
 The momentary pang I have to dread,
 The state of undisturb'd, undreaming sleep—

Then all is known—and all is known too well,
 Or to distract, or to delay my choice:
 No hopes solicit, and no fears rebel
 Against mine ultimate, determin'd voice.

Had I suspicions that a future state
 Might yet exist, as haply I have none—
 'Twere worth the cost, to venture on my fate,
 Impell'd by curiosity alone.

Sated with life, and amply gratify'd
 In every varied pleasure life can give,
 One sole enjoyment yet remains untry'd,
 One only novelty—to cease to live.

Not yet reduc'd a scornful alms to crave,
 Not yet of those with whom I liv'd the sport;
 No great man's pander, parasite, or slave—
 O Death, I seek thy hospitable port.

Thou, like the virgin in her bridal sheet,
 Seemest prepar'd, consenting, kind, to lie;
 The happy bridegroom I, with hasty feet,
 Fly to thine arms in rapt'rous ecstasy.

To Mr. B——.

7 April, 1779.

My Dear F.—When this reaches you I shall be no more, but do not let my unhappy fate distress you too much. I strove against it as long as possible, but it now overpowers me. You know where my affections were placed; my having by some means or other lost her's (an idea which I could not support) has driven me to madness. The world will condemn me, but your heart will pity me. God bless you my dear F. Would I had a sum of money to leave you, to convince you of my great regard! You were almost my only friend. I have hid one circumstance from you, which gives me great pain. I owe Mr. W. of Gosport one hundred pounds, for which he has the writings of my houses; but I hope in God, when they are sold, and all other matters collected, there will be nearly enough to settle your account. May almighty God bless you and *yours*, with comfort and happiness; and may you ever be a stranger to the pangs I now feel! May Heaven protect my beloved woman, and forgive this act, which alone could relieve me from a world of misery I have long endured! Oh! if it should be in your power to do her any act of friendship, remember your faithful friend,

J. H.

Mr. Hackman lodged in Duke's Court, St. Martin's Lane, and on the morning of the 7th of April, 1779, he sat some time in his closet, reading Dr. Blair's sermons. In the evening he took a walk to the Admiralty, where he saw Miss Reay go into the coach with Signora Galli, who attended her. The coach drove to Covent Garden theatre, where she staid to see *Love in a Village*. Mr. Hackman went into the theatre at the same time, but not able to restrain the violence of his passion, returned to his lodgings, and having loaded two pistols returned to the play-house, where he waited till the play was over. He then went to the Piazzas, Covent Garden, and seeing Miss Reay ready to step into the coach, he took a pistol in each hand, one of which he discharged at her, and killed her on the spot, and the other at himself, which however did not take effect.

The moment she fell, Mr. M'Namara, a gentleman who was going to hand her into the coach, laid hold of her, thinking she had fallen into a fit by the report of the pistol; but he was soon convinced of his mistake, and finding himself bloody, was so sick that he was not able to stay longer than to see the body carried into the Shakspeare tavern, where it lay till the coroner's inquest was taken upon it.

In the mean time Hackman's own wounds were dressed, and he was committed by Sir John Fielding to Tothill-field's Bridewell, and afterwards to Newgate, where a person was appointed to attend him, lest he should lay violent hands on himself. Between this time

and his trial, he addressed the following letters to various friends.

To Charles ———, Esq.

Tothill-fields, 8 April, 1779.

I am alive—and she is dead. I shot her, and not myself. Some of her blood and brains is still upon my clothes. I don't ask you to speak to me, I don't ask you to look at me. Only come hither, and bring me a little poison; such as is strong enough. Upon my knees, I beg, if your friendship for me ever was sincere, do, *do*, bring me some poison.

To the same.

9 April, 79.

Your note just now; and the long letter I received at the same time, which should have found me the day before yesterday, have changed my resolution. The promise you desire, I most solemnly give you. I will make no attempt upon my life. Had I received your comfortable letter when you meant I should, I verily do not think this would have happened.

Pardon what I wrote to you about the poison. Indeed I am too composed for any such thing now. Nothing should tempt me. My death is all the recompence I can make to the laws of my country. Dr. V. has sent me some excellent advice, and Mr. H. has refuted all my false arguments. Even such a being as I finds friends.

Oh, that my feelings and his feelings would let me see my *dearest* friend. Then I would tell you how this happened.

To the same.

Newgate, 14 April, 1779.

My best thanks for all your goodness since this day se'night. Oh, Charles, this is about the time. I cannot write.

His trial came on before Mr. Justice Blackstone, and he was found guilty upon the clearest evidence. In his defence he made use of the plea of insanity, or at least of having no intention to murder Miss Reay.

His defence was made in the following words:

“I should not have troubled the court with the examination of witnesses to support the charge against me, had I not thought that the pleading guilty to the indictment gave an indication of contemning death, not suitable to my present condition, and was, in some measure, being accessary to a second peril of my life; and I likewise thought, that the justice of my country ought to be satisfied by suffering my offence to be proved, and the fact established by evidence.

“I stand here this day the most wretched of human beings, and confess myself criminal in a high degree; yet while I acknowledge with shame and repentance, that my determination against my own life was formal and complete, I protest, with that regard to truth which becomes my situation, that the will to destroy her who was ever dearer to me than life, was never mine till a momentary phrensy overcame me, and induced me to commit the deed I now deplore. The letter, which I meant for my brother-in-law after my decease, will have its due weight as to this point with good men.

“Before this dreadful act, I trust nothing will be found in the tenor of my life which the common charity of mankind will not excuse. I have no wish to avoid the punishment which the laws

of my country appoint for my crime; but being already too unhappy to feel a punishment in death, or a satisfaction in life, I submit myself with penitence and patience to the disposal and judgment of Almighty God, and to the consequences of this inquiry into my conduct and intention."

He heard the sentence of the law pronounced with more fortitude than could have been expected, and being conducted back to Newgate, behaved with becoming fortitude under his unhappy circumstances. After his trial, the following letters appear in Dr. Croft's collection:

To Mr. Hackman, in Newgate.

17 April, 79.

If the murderer of Miss ——— wishes to live, the man he has most injured will use all his interest to procure his life.

The Condemned-cell, in Newgate, 17 April, 1779.

The murderer of her whom he preferred, far preferred, to life, suspects the hand from which he has just received such an offer as he neither desires nor deserves. His wishes are for death, not for life. One wish he has. Could he be pardoned in this world by the man he has most injured—Oh, my lord, when I meet her in another world, enable me to tell her (if departed spirits are not ignorant of earthly things) that you forgive us both, that you will be a father to her dear infants! J. H.

To Charles ———, Esq. Newgate, Saturday Night, 17 April, 1779.

My dear Charles!—The clock has just struck eleven. All has, for some time, been quiet within this sad abode. Would that all were so within my sadder breast.

That gloominess of my favourite Young's *Night Thoughts*, which was always so congenial to my soul, would have been still heightened, had he ever been wretched enough to hear St. Paul's clock thunder through the still ear of night, in the condemned walls of Newgate. The sound is truly solemn—it seems the sound of death.

O that it were death's sound! How greedily would my impatient ears devour it!

And yet—but one day more. Rest, rest, perturbed spirit, till then.

And then——

My God, my creator, my first father! Thou who madest me as I am; with these feelings, these passions, this heart!—Thou, who art all might, and all mercy!—Well thou knowest I did not, like too many of thy creatures, persuade myself there was no God, before I persuaded myself I had a right over my life.—O then, my father, put me not eternally from thy paternal presence! It is not punishments, nor pains, nor hell, I fear: what man can bear, I can. My fear is to be deemed ungrateful to thy goodness, to be thought unworthy thy presence, to be driven from the light of thy countenance.

Well thou knowest I could not brook the thoughts of wanting gratitude to things beneath me in thy creation; to a dog, a horse: almost to things inanimate; a tree, a book. And thinkest thou that I could bear the charge of want of gratitude to thee!

And, might—O might I resign the joys of the other world, which neither eye can see, nor tongue can speak, nor imagination dream, for an eternal existence of love and bliss with her, whom——

Presumptuous murderer! The bliss you ask were paradise.—

My father, who art in heaven, I bow before thy mercy; and patiently abide my sentence.

These papers which will be delivered to you after my death, my dear friend, are not letters. Nor know I what to call them. They will exhibit,

however, the picture of a heart which has ever been your's more than any other man's.

How have I seen the poor soul affected at that recitative of Iphis in her favourite Jephtha!

"Ye sacred priests, whose hands ne'er yet were stained
"With human blood!"

To think that I should be her priest, her murderer! In one of her letters she tells me, I recollect, that she could die with pleasure by my hand, she is sure she could. Poor soul! Little did she think——

It is odd, but I know for a certainty that this recitative and the air which follows it, "Farewell, &c." were the last words she ever sung. Now I must say, and *may* say, *experimentally*——

"Farewell, thou busy world, where reign
"Short hours of joy, and years of pain!"

I may not add——

"Brighter scenes I seek above,
"In the realms of peace and love."

Love!—gracious God, this word in this place, at this time!
Oh!

Newgate, Sunday, 18 April. 79, 4 in the morning.

O, Charles, Charles——torments, tortures! Hell and worse than hell!

When I had finished my last scrap of paper, I thought I felt myself composed, resigned. Indeed, I was so——I am so now.

I threw my wearied body—wearied, Heaven knows, more than any labourer's with the workings of my mind—upon the floor of my dungeon.

Sleep came uncalled, but only came to make me more completely cursed.

This world was past, the next was come; but after that, no other world. All was revealed to me. My eternal sentence of mental misery (from which there was no flight) of banishment from the presence of my father, of more than poetry e'er feigned or weakness feared, was past, irrevocably past.

Her verdict too of punishment was pronounced, Yes, Charles——she, she was punished——and by whose means punished?

Even in her angel mind were failings, which it is not wonderful I never saw, since Omniscience, it seemed, could hardly discern them. O, Charles, these foibles, so few, so undiscernible, were still, I thought in my dream, to be expiated. For my hand sent her to heaven before her time, with all her few foibles on her head.

Charles, I saw the expiation—these eyes beheld her undergo the heavenly punishment.

That passed, she was called, I thought, to the reward of her ten thousand virtues.

Then, in very deed, began my hell, my worse than woman ever dreamed of hell. Charles, I saw her, as plainly as I see the bars of my dungeon, through which the eye of day looks upon me now for almost the last time. Her face, her person were still more divine than when on earth—they were cast anew, in angel moulds. Her mind too I beheld as plainly as her face; and all its features. That was the same—that was not capable of alteration for the better.

But, what saw I else? That mind, that person, that face, that angel——was in the bosom of another angel. Between us was a gulph, a gulph impassible! I could not go to her, neither could she come to me.

No——nor did she wish it. There was the curse.

Charles, she saw me, where I was, steeped to the lips in misery. She saw me; but without a tear, without one sigh.

One sigh from her, I thought—and I could have borne all my sufferings.

A sigh, a tear! She smiled at all my sufferings. Yes, she, even she, enjoyed the tortures, the wrackings of my soul. She bade her companion angel too enjoy them. She seemed to feast upon my griefs; and only turned away her more than damning eyes, to turn them on her more than blest companion.

Flames and brimstone—corporal sufferance—were paradise to such eternal mental hell as this.

Oh! how I rejoiced, how I wept, sobbed with joy, when I awoke, and discovered it was only a dream, and found myself *in the condemned cell of Newgate.*

Newgate, Sunday, 18 April, 79, 5 o'clock in the afternoon.

Since I wrote to you this morning I have more than once taken up my pen. For what can I do, which affords me more pleasure than writing to such a friend as you are, and have been, to me?

Pleasure! Alas, what business has such a wretch as I with such a word as that? However, pouring myself out to you thus upon paper is, in some measure, drawing off my sorrows—It is not thinking.

Cruel G.! And yet I can excuse her. She knew not of what materials I was made. Lord S. wished to preserve a treasure which any one would have prized. G. was employed to preserve the treasure. And she suspected not that my soul, my existence, were wrapped up in it.

O, my dear Charles, that you could prevail upon yourself to visit this sad place! And yet—our mutual feelings would render the visit useless. So—it is better thus.

Now, perhaps, you are enjoying a comfortable and happy meal. There, again, my misfortunes! Of happiness and comfort, for the present, I have robbed you. H. has murdered happiness.

But this is the hour of dinner. How many are now comfortable and happy? While I——

How many, again, with every thing to make them otherwise, are, at this moment, miserable!

The meat is done too little, or too much—(Should the pen of fancy ever take the trouble to invent letters for me, I should not be suffered to write to you thus, because it would seem *unnatural*. Alas—they know not how gladly a wretch like me forgets himself)—The servant, I say, has broken something—some *friend* (as the phrase is) does not make his promised appearance, and consequently is not eye witness of the unnecessary dishes which the family pretends to be able to afford—or some *friend* (again) drops in unexpectedly, and surprises the family with no more dishes upon the table than are necessary.

Ye home-made wretches, ye ingenious inventors of ills, before ye suffer yourselves to be soured and made miserable, for the whole remainder of this Sunday, by some trifle or another, which does not deserve the name of accident, look here—behold, indeed, that misery of which your discontentedness complains!

Peep through the grate of this my only habitation, ye who have town-houses and country-houses. Look into my soul—recollect in how few hours I am to die, die in what manner, die for what offence!

Now, go, be cross and quarrel with your wives, or your husbands, or your children, or your guests—begin to curse and to swear—and call Almighty God to witness that you are the most miserable, unluckily, wretches upon the face of the earth—because the meat is roasted half a dozen turns too much, or because your cooks have not put enough seasoning into your pies.

I was obliged to lay down my pen. Such a picture as this, in which myself made the principal figure, was rather too much.

Good God!—to look back over the dreadful interval between to day and last October two years. What a tale would it make of woe! Take warning from me, my fellow creatures, and do not love like H.

Still, Sunday, 7 o'clock.

When these loose, incoherent papers shall come into your hands after my death, it will afford you some consolation to know my temper of mind at last.

Charles, as the awful moment approaches, I feel myself more, and more, and more composed, and calm, and resigned.

It always, you know, was my opinion, that man could bear a great load of affliction better than a small one. I thought so then—now I am sure of it. This day se'night I was mad, perfectly mad. This afternoon I am all mildness.

This day se'night!—To look back is death, is hell. 'Tis almost worse than to look look forward.

Let me endeavour to get out of myself.

In proof of that opinion which you always ridiculed—go to the gaming table—observe that adventurer, who is come with the last fifty he can scrape together. See—how he gnashes his teeth, bites his fists, and works all his limbs! He has lost the first throw—his 50 are reduced to 40. Observe him now—with what composure his arms are wrapped about him! What a smooth calm has suddenly succeeded to that dreadful storm which so lately tore up his whole countenance! Whence the reason think you? Has fortune smiled on him?—Directly the contrary. His 40 are now dwindled to five. His all, nay more, his very existence, his resolution to live or die, depend upon this throw. Mark him—how calmly, how carelessly he eyes the box. I am not sure he does not almost wish to lose, that he may defy ill-luck, and tell her she has done her worst.

See——

—On a moment's point, th' important dye
Of life and death spins doubtful ere it falls,
And turns up—death.

I'll surrender my opinion for untenable, if a common observer, from his countenance, would not rather point him out as the winner, than the agitated person yonder who really has won.

—Since I wrote what you last read, I caught myself marching up and down my cell with the step of haughtiness; hugging myself in my two arms; and muttering between my grating teeth, "What a *complete wretch* I am!"

But—is there not a God! Did not that God create me? Does not that God know my heart, my whole heart? Oh! yes, yes, yes!

To-morrow then—And let to-morrow come—I am prepared.

God (who knows my heart, and will judge me, I trust, by that heart) knows it is not with a view to diminish my own guilt, the magnitude and enormity whereof I acknowledge—but—let not those, who survive me, flatter themselves that all the guilt of mankind goes to the grave, to the gallows (gracious heaven!) with H.

I shall leave behind me culprits *of the same kind as myself*—culprits who will not make my trifling atonement of an ignominious death. Oh may they see their crimes, and weep over them before they are confronted with the injured parties at the footstool of the throne of the God of heaven!

These are crimes (as indeed are all the crimes of men, however noiseless or inaudible) with which the listening angel flies up to heaven's chancery—but these are not they upon which the recording angel drops a tear as he notes them down. The pencil of eternity engraves such crimes as these on adamantine tablets, which shall endure to the end of time. Mine, mine, perhaps, may head the list.

Be merciful, O God! be merciful!

Reflection in this world is almost worse than the worst which offended Omnipotence can inflict upon me in the next. I must fly from it.

And are there not crimes as bad as mine? It is little my intention to argue away the badness of my crime—but there surely are, and worse.

Let that gallant, gay, young gentleman yonder hold up his hand. Yes,

sir—you I first arraign. Not for breach of friendship, not for false oaths to credulous virgins, not for innocence betrayed—these are no longer crimes; these are the accomplishments of our age. Sir, you are indicted for slow and deliberate murder. Put not on that confident air, that arrogant smile of contempt and defiance. Demand not with a sneer to have the witnesses produced who were present when you struck the stroke of death. Call not aloud for the blood-stained dagger, the dry-drawn bowl, the brain-splashed pistol. Are these the only instruments of death? You know they are not. Murder is never at a loss for weapons.

Sir, produce your wife.—See, see!—what indignation flashes in his eyes! A murderer, and the murderer of his wife! May the calumniator—!—Sir, no imprecations, no oaths; those are what betrayed that wife. You did not plant a dagger in her breast; but you planted there grief, disease, death. She, sir, who gave you all, was destroyed, was murdered by your ill usage. And not suddenly, not without giving her time to know what was to happen. She saw the lingering stroke, she perceived the impossibility to avoid it; she felt it tenfold from the hands of a much-loved husband.

Were these scraps of paper to be seen by any other eye than your's, common people would wonder that, in proportion as the moment drew nearer, I got further and further from myself. It may be contrary to the rules of critics, but so it is. To think, or to write about myself, is death, is hell. My feelings will not suffer me to date these different papers any more.

Let me pay a small tribute of praise—How often have you and I complained of familiarity's blunting the edge of every sense on which she lays her hand? At her bidding, beauty fades even in the eye of love; and the son of pity smiles at sorrow's bleeding breast. In her presence, who is he that still continues to behold the scene of delight, or that still hears the voice of mourning? What then is the praise of that gaoler, who in the midst of misery, and crimes, and death, sets familiarity at defiance, and still preserves the feelings of a man? The author of the life of *Savage* gives celebrity to the Bristol gaoler, by whose humanity the latter part of that strange man's life was rendered more comfortable. Shall no one give celebrity to the present keeper of Newgate? Mr. Akerman marks every day of his existence, by more than one such deed as this.—Know, ye rich and powerful, ye who might save hundreds of your fellow-creatures from starving, by the sweepings of your tables—Know, that, among the various feelings of almost every wretch who quits Newgate for Tyburn, a concern neither last nor least is that which he feels upon leaving the gaol of which this man is the keeper.

But I can now no longer fly from myself. In a few short hours the hand which is now writing to you, the hand which——

I will not distress either you or myself. My life I owe to the laws of my country, and I will pay the debt. How I felt for poor Dodd! Well—you shall hear that I died like a man and a christian. I cannot have a better trust than in the mercy of an all-just God. And, in your letters, when you shall these unhappy deeds relate, tell of me as I am. I forget the passage, 'tis in Othello.

You must suffer me to mention the tenderness and greatness of mind of my dear B. The last moments of my life cannot be better spent than in recording this complicated act of friendship and humanity. When we parted, a task too much for us both, he asked me if there was any thing for which I wished to live. Upon his pressing me, I acknowledged I was uneasy, very uneasy, lest Lord S. might withdraw an allowance of fifty pounds a year, which I knew he made to her father. "Then," said B. squeezing my hand, bursting into tears, and hurrying out of the room, "I will allow it him." The affectionate manner in which he spoke of my S. would have charmed you. God for ever bless and prosper him! and my S. and you! and

[The note which follows was written with a pencil. All that was legible is here preserved, though the sense is incomplete.]

To the same.

Tyburn.

My dear Charles,—Farewell for ever in this world! I die a sincere christian and penitent, and every thing I hope that you can wish me. Would it prevent my example's having any bad effect if the world should know how I abhor my former ideas of suicide, my crime, will be the best judge. Of her fame I charge you to be careful, My poor S. will
 Your dying H.

On the morning of his execution, April 19, 1779, he rose a little after five, dressed himself, and spent some time in private meditation. About seven he was visited by Mr. Boswell, and some other friends, with whom he went to the chapel, and received the sacrament. During the procession to Tyburn he seemed much affected, and said but little; and after some time spent in prayer, he was turned off, and having hung the usual time, his body was carried to Surgeon's Hall.

THE LONDON RIOTERS OF 1780.

In the sessions of 1779-80, some bills for the relief of the English Catholics were introduced by Sir George Savile, and met with the countenance of the administration. Some zealots in the Protestant interest felt an alarm, and meetings took place to petition against them. At one of these, which took place at Coachmakers' Hall, Lord George Gordon attended as a spectator, and the committee conceiving from this circumstance, that he was friendly to their proceedings, invited the sanction of his name, which, after some hesitation, he lent them.

Lord George Gordon was the younger brother of the Duke of Gordon, and a member of Parliament. He now appeared as their partizan in Parliament, and presented theirs and many other petitions; but on presenting one signed by many thousand persons, in carrying up which, he required the united strength of the officers of the house, it was treated with contempt, and the signatures were declared to be fictitious. Lord George replied, that to repel such a charge, he would bring up the petitioners in person, and in consequence, a general meeting of the whole was appointed in St. George's Fields.

Accordingly, on Friday, June 2, at ten in the forenoon, several thousands assembled at the place appointed, marshalling themselves in ranks, and waiting for their leader. About eleven o'clock, Lord George arrived, and gave directions in what manner he would have them proceed, and about twelve, one party was ordered to go round over London-bridge, another over Blackfriars, and a third to follow him over Westminster-bridge. A roll of parchment, containing the names of those who had signed the petition, was borne before them. They proceeded with great decorum on their route, and the whole body was assembled, about half past two, before both Houses of parliament, on which occasion they gave a general shout.

But however peaceable and well disposed some of them might be, others soon began to exercise the most arbitrary power over both Lords and Commons, obliging almost all the members to put blue cockades in their hats, and call out, 'No Popery!' Some they compelled to take oaths to vote for the repeal of the obnoxious act, others they insulted in the most indecent and violent manner. They took possession of all the avenues up to the very doors of both Houses of Parliament, which they twice attempted to force open. The Archbishop of York was one of the first whom they attacked. As soon as his coach was known coming down Parliament-street, he was saluted with hisses, groans, and hootings. The Lord President of the Council, Lord Bathurst, they pushed about in the rudest manner, and kicked violently on the legs. Lord Mansfield had the glasses of his carriage broken, the panels beat in, and narrowly escaped with life. The Duke of Northumberland had his pocket picked of his watch. The Bishop of Litchfield had his gown torn. The wheels of the Bishop of Lincoln's carriage were taken off, and his lordship escaped with life, being obliged to seek shelter in the house of Mr. Atkinson, an Attorney, where he changed his clothes, and made his escape over the leads of the adjacent houses.

The Lords Townshend and Hillsborough came together, and were greatly insulted, and sent into the house without their bags, and with their hair hanging loose on their shoulders. The coach of Lord Stormont

was broken to pieces, and he was in the hands of the mob for near half an hour: he was rescued at last by a gentleman, who harangued the mob, and prevailed on them to desist. Lords Ashburnham and Boston were treated with the utmost indignity, particularly Lord Boston, who was so long in their power, that it was proposed by some of the peers to go as a body, and endeavour, by their presence, to extricate him; but whilst they were deliberating, his lordship escaped without any material injury. Lord Willoughby de Broke, Lord St. John, Lord Dudley, and many others, were personally ill treated; and Wellbore Ellis, Esq. was obliged to take refuge in the Guildhall of Westminster (whither he was pursued), the windows of which were broken, the doors forced, and Justice Addington, with all the constables, expelled: Mr. Ellis escaped with the utmost hazard.

Lord George Gordon, during these unwarrantable proceedings, came several times to the top of the gallery stairs, whence he harangued the people, and informed them of the bad success their petition was likely to meet with, and marked out such members as were opposing it, particularly Mr. Burke, the member for Bristol. He told them, at first, that it was proposed to take it into consideration on Tuesday, in a committee of the House, but that he did not like delays, for the parliament might be prorogued by that time.

He afterwards came and said, ‘Gentlemen, the alarm has gone forth for many miles round the city. You have got a very good prince, who, as soon as he shall hear the alarm has seized such a number of men, will no doubt send down private orders to his ministers to enforce the prayer of your petition.’

General Conway, and several other members, expostulated with him very warmly on the mischief that might arise from such conduct; and Colonel Gordon, a near relation of his lordship’s, went up to him, and accosted him in the following manner: ‘My Lord George, do you intend to bring your rascally adherents into the House of Commons? If you do—the first man of them that enters, I will plunge my sword not into his, but into your body.’

While his lordship was making his second speech to the crowd, another of his relations, General Grant, came

behind him, and endeavoured to draw him back into the house, and said to him, 'For God's sake, Lord George! do not lead these poor people into any danger.'—His lordship, however, made the general no answer, but continued his harangue—'You see, said he, in this effort to persuade me from my duty, before your eyes, an instance of the difficulties I have to encounter with from such wise men of this world as my honourable friend behind my back.'

Alderman Sawbridge and others endeavoured to persuade the people to clear the lobby, but to no purpose. The Assistant to the Chaplain of the House of Commons likewise addressed them, but gained nothing except curses. Soon after this, a party of horse and foot guards arrived. Justice Addington was at the head of the horse, and was received with hisses; but on his assuring the people that his disposition towards them was peaceable, and that he would order the soldiers away, if they would give their honour to disperse, he gained their good will. Accordingly the cavalry galloped off, and upwards of six hundred of the petitioners, after giving the magistrate three cheers, departed.

The attention of the House of Commons had been taken up during the greatest part of the day in debates concerning the people. When they had obtained some degree of order, Lord George introduced his business with informing them, that he had before him a Petition signed by near one hundred and twenty thousand of his Majesty's Protestant subjects, praying, 'A repeal of the act passed the last session in favour of the Roman Catholics,' and moved to have the said petition brought up.

Mr. Alderman Bull seconded the motion, and leave was given accordingly.

Having brought up the petition, his Lordship then moved to have it taken into immediate consideration, and was again seconded by Mr. Alderman Bull.

After some debate, the House divided, and there appeared 6 for the petition, and 192 against it. Soon after this the House adjourned, and the mob having dispersed from the avenues of both Houses, the guards were ordered home.

Though order and tranquillity were re-established in this part of the town, it was far otherwise elsewhere.

The mob paraded off in different divisions from Palace-yard, and some of them went to the Romish Chapel in Duke-street, Lincoln's-Inn-fields, others to that in Warwick-street, Golden-square, both of which they in a great measure demolished. The military were sent for, but could not arrive time enough at either to prevent mischief. Thirteen of the rioters were however taken, and the mob for that night dispersed.

The riots, which were so alarming on the Friday evening, partly subsided by Saturday; but on Sunday in the afternoon the rioters assembled again in large bodies, and attacked the chapels and dwelling-houses of the Catholics in and about Moorfields. They stripped their houses of furniture, and their chapels not only of the ornaments and insignia of religion, but tore up the altars, pulpits, pews, and benches, and made fires of them, leaving nothing but the bare walls.

On Monday the rioters collected again. Some paraded with the reliques of havock, which they collected in Moorfields, as far as Lord George Gordon's House in Welbeck-street, and afterwards burnt them in the adjacent fields. Another party went to Virginia-lane, Wapping, and a third to Nightingale-lane, East Smithfield, where they severally destroyed the Catholic chapels, and committed other outrages. Mr. Rainsforth, tallow-chandler, of Stanhope-street, Clare-market, and Mr. Maberly, of Little Queen-street, Lincoln's-inn-Fields, who had appeared as evidences on the examination of those who had been committed, had each of them their houses and shops stripped, and their contents committed to the flames. Sir George Savile's house in Leicester-fields, underwent the same fate, for preparing and bringing the bill into parliament, in favour of the Catholics.

On this day also, which was held as the anniversary of the King's birth-day, a proclamation was issued, promising a reward of £500 to those who would make discovery of the persons concerned in demolishing and setting fire to the Sardinian and Bavarian chapels. The persons formerly apprehended were re-examined; and some were discharged; others were ordered to Newgate, and were escorted there by a party of the guards, who, on their return, were pelted by the people.

On Tuesday all the military in town were ordered on duty at the Tower, both Houses of Parliament, St. James's, St. George's Fields, &c. during the day. Notwithstanding every precaution, Lord Sandwich was wounded in attempting to go down to the Parliament House, to attend his duty; his carriage was demolished, and himself rescued by the military with difficulty.

About six in the evening, one party went to the House of Justice Hyde, near Leicester-fields, which they destroyed; another party paraded through Long Acre, down Holborn, &c. till they came to Newgate, and publicly declared they would release all the confined rioters. When they arrived at the doors of the prison, they demanded of Mr. Akerman, the keeper, to have their comrades immediately delivered up to them; and upon his persisting to do his duty, by refusing, they began to break the windows, some to batter the doors and entrances into the cells, with pick-axes and sledge-hammers, others with ladders to climb the walls, while several collected fire-brands, and whatever combustibles they could find, and flung into his dwelling-house. What contributed to the spreading of the flames, was the great quantity of household furniture belonging to Mr. Akerman, which they threw out of the windows, piled up against the doors, and set fire to; the force of which presently communicated to the house, from the house to the chapel, and from thence through the prison. As soon as the flames had destroyed Mr. Akerman's house, which was part of Newgate, and had communicated to the wards and cells, all the prisoners, to the amount of three hundred, among whom were four under sentence of death, and ordered for execution on the Thursday following, were released.

Not satiated with the destruction of this great building, a party was sent among the Catholics in Devonshire-street, Red Lion-square; another to the house of Justice Cox, in Great Queen-street, which was soon destroyed; a third broke open the doors of the New Prison, Clerkenwell, and turned out all the prisoners; a fourth destroyed the furniture and effects, writings, &c. of Sir John Fielding; and a fifth desperate gang went to the elegant mansion of Lord Mansfield, in Bloomsbury-square, which they, with the most

unrelenting fury, set fire to and consumed. They began by breaking down the doors and windows, and from every part of the house flung the superb furniture into the street, where large fires were made to destroy it. They then proceeded to his Lordship's law-library, &c. and destroyed some thousand volumes, with many valuable manuscripts, mortgages, papers, and other deeds. The rich wardrobe of wearing apparel, and some very capital pictures, were also burned; and they afterwards forced their way into his lordship's wine-cellars, and plentifully bestowed their contents on the populace. A party of guards now arrived, and a magistrate read the riot-act, and then was obliged to give orders for a detachment to fire, when about fourteen obeyed, and shot several men and women, and wounded others. They were again ordered to fire, which they did, without effect. This did not intimidate the mob; they began to pull the house down, and burn the floors, planks, spars, &c. and destroyed the out-houses and stables; so that in a short time the whole was consumed. Lord and Lady Mansfield made their escape through a back door, a few minutes before the rioters broke in and took possession of the house.

It is impossible to give any adequate description of the events of Wednesday. Notice was sent round to the public prisons of the King's Bench, Fleet, &c. by the mob, at what time they would come and burn them down. The same kind of infernal humanity was exercised towards Mr. Langdale, a distiller in Holborn, and several other Romish individuals; the loss sustained by the former gentleman, is said to have amounted to near £100,000. In the afternoon all the shops were shut, and pieces of blue silk, by way of flags, hung out at most houses, with the words 'No Popery,' chalked on the doors and window-shutters, by way of deprecating the fury of the insurgents, from which no person thought himself secure.

As soon as the day was drawing towards a close, one of the most dreadful spectacles this country ever beheld was exhibited. Let those, who were not spectators of it, judge what the inhabitants felt when they beheld at the same instant, the flames ascending and rolling in clouds from the King's Bench and Fleet Prisons, from New Bridewell, from the toll-gates on Blackfriars Bridge,

from houses in every quarter of the town, and particularly from the bottom and middle of Holborn, where the conflagration was horrible beyond description. The houses that were first set on fire at this last-mentioned place, both belonged to Mr. Langdale, and contained immense quantities of spirituous liquors. Six-and-thirty fires, all blazing at one time, and in different quarters of the city, were to be seen from one spot. During the whole night, men, women, and children, were running up and down with such goods and effects as they wished most to preserve. The tremendous roar of the authors of these horrible scenes was heard at one instant, and at the next, the dreadful reports of soldiers' muskets, firing in platoons, and from different quarters: in short, every thing served to impress the mind with ideas of universal anarchy and approaching desolation.

Two attempts, in the course of the day, were made upon the Bank; but the rioters were so much intimidated by the strength with which they beheld it guarded, that their attacks were but feebly conducted, and they were repulsed at the first fire from the military. They likewise made an effort to break into the Pay-office, and met the same fate. Several of them fell in these skirmishes, and many were wounded.

It was impossible to ascertain the number of unhappy wretches who lost their lives in the course of this dreadful night. Powder and ball were not so fatal to them as their own inordinate appetites. Numbers died with inebriation, especially at the distilleries of the unfortunate Mr. Langdale, from whose vessels the liquor ran down the middle of the street, was taken up by pailfuls, and held to the mouths of the deluded multitude; many of whom killed themselves with drinking non-rectified spirits, and were burnt or buried in the ruins.

The regulars and militia had poured in so fast, in consequence of the expresses dispatched for that purpose, that the citizens on Thursday began to recover from their consternation. They were, however, so thoroughly alarmed, and so much affected by the depredations they beheld on every side, that the shops were universally shut from Tyburn to White-chapel, and no business of any kind, except at the Bank, was transacted. The

military were exceedingly active this day ; and secured great numbers of disorderly persons ; several were taken in the cells of Newgate, attempting to rekindle the fire in those parts which had not been totally destroyed.

The following is said to be a copy of the return made of the killed and wounded during the disturbances :— By association troops and guards, 109 killed ; by light horse, 101 killed ; died in hospitals, 75 ; prisoners now under cure, 173 ;—total, 458.

The number of those who perished from inebriation, and in the ruins of the demolished houses, is not known, but is conceived to have been very considerable.

Friday, at eleven o'clock, a Council was held at Lord Stormont's office in Cleveland-row ; in consequence of which, a warrant was issued by his Majesty's Principal Secretaries of State, directed to Mann and Staley, two of his Majesty's Messengers in ordinary, for apprehending and taking into safe custody, the Right Honourable Lord George Gordon. The messengers, on receiving their warrants, instantly repaired to his house in Welbeck-street, and, getting admittance, were introduced to his Lordship, whom they made immediately acquainted with the nature of their visit :—Lord George only replied, ' If you are sure it is me you want, I am ready to attend you ! ' Upon which a hackney-coach being previously got ready, and a party of light horse having received orders to attend in an adjacent street, his lordship was conducted safely by them, about six o'clock, to the Horse-Guards. A long examination took place in the War-office, before the Lord President, Lord North, Lord Amherst, the Secretaries of State, and several other Lords of the Privy-council ; and at half past nine, Lord George Gordon was committed a close prisoner to the Tower. The guards that attended him were by far the greatest in number ever remembered to guard a state prisoner. A large party of infantry preceded in front, his Lordship following in a coach, in which were two officers ; two soldiers rode behind the coach, and immediately followed General Carpenter's regiment of dragoons ; after which came a colonel's guard of the foot guards, besides a party of the militia, which marched on each side of the coach. The cavalcade passed over Westminster-bridge, through St.

George's Field's, the Borough, and thus to the Tower, where his lordship alighted about ten o'clock, and staid that night in the Governor's apartments. The same day Mr. Fisher, Secretary to the Protestant Association, was taken to the Tower, examined by the Privy-council, and honourably dismissed.

On Wednesday, June 28, the sessions began at the Old Bailey, when the following prisoners were tried, and capitally convicted of being concerned in the late riots; Mr. Norton and Mr. Howarth being counsel for the prosecution, when the latter expatiated on the nature of the offence with which the prisoners stood charged, shewing it to be felony by the statute 1 Geo. I. William Lawrence and Richard Roberts, were first put to the bar, and were clearly convicted of having aided and assisted in destroying Sir John Fielding's house, in Bow-street, on Tuesday night, June 6. Thomas Taplin was next arraigned, for demanding and taking half-a-crown from Mr. Mahon, apothecary, the corner of Bow-street, June 7, and convicted, though his counsel attempted to prove him insane. William Brown was indicted for entering the dwelling-house of Francis Deacon, cheesemonger, and holding a large knife in his hand, making use of the following words: "D—n your eyes, if you do not give me a shilling directly, I'll bring a mob that will pull down your house about your ears." That accordingly Mr. Deacon threw a shilling into his hat. He was found guilty.

June 29, George Kennedy was indicted for destroying the dwelling-house of Mr. McCartney, a baker, in Featherstone-street, Bunhill-row. The jury brought him in guilty, but recommended him to mercy. William McDonald, (a soldier with one arm) for destroying the dwelling-house of John Lebarry, on the 7th of June, in St. Catherine's-lane, Tower-hill, was found guilty, death. James Henry, for destroying the house, &c. of Mr. Thomas Langdale, at Holborn-bridge, June 7, was found guilty; and he being the principal ring-leader upon this occasion, the Recorder informed him, that from the circumstances of his case, he could not expect mercy. George Barton, for assaulting Richard Stowe, in Holborn, and feloniously taking from him six-pence, in silver, saying, "Pray remember the Protestant reli-

gion." He was found guilty, but recommended to mercy. John Ellis was indicted for beginning to pull down the house of Cornelius Murphy, the Sun, in Golden-lane, June 7, not guilty. Thomas Chambers was indicted for the same, and found not guilty.

June 30. William Pateman was indicted for demolishing the house of Robert Charlton, in Coleman-street, June 7, and found guilty. The court adjourned till Monday.

July 3. The important trial of Mr. Mascal, an apothecary, in Oxford-street, came on. He was indicted for riotously and tumultuously associating on the 7th of June, with several persons as yet unknown, and beginning to pull down the dwelling-house of the Earl of Mansfield, in Bloomsbury-square.

Richard Ingram deposed, "That he lived in Weymouth-street, and was in Bloomsbury-square at half past one on Wednesday morning the 7th of June. Hearing there was a fire near Queen's-square, and having relations there, he went towards it—He saw a mob at Lord Mansfield's, and four or five fires—and he saw persons in the house, men, women, and children, bringing out furniture and books. He saw the prisoner (whom he has known personally for some years) standing opposite Lord Mansfield's door with his hands upon a boy's shoulder, who was putting a book in the fire. He saw nothing in his hat at that time; but he thought he was encouraging the boy. He saw, at the same time, furniture carrying out, and several books burning; and from the manner in which the prisoner put his hand on the boy's shoulder, he appeared to him to be encouraging, not preventing, the boy. He went on to Devonshire-street, but did not stop there, and returned in about a quarter of an hour—it was then about two o'clock. On his return he saw the prisoner with a blue cockade in his hat, and another person holding his arm: furniture was still throwing out, and books burning; and he observed the mob were going for more books, upon which he said books could do no harm. A person on his left hand answered, "What, sir!" in a menacing tone: he corrected himself, and said, "Lord George will get this bill repealed; things are going too far."

Mr. Mascal, who was on his right hand, next but one,

looked over the next man's shoulder, and said, "That's a d — lie, the bill won't be repealed." Another person then said, "Mascal, you were always a seditious person." Mascal then said, "That man in the black cockade (meaning the witness) is a spy. He wears a cockade as being on the physical staff, and was surgeon to a regiment of dragoons." The man on his right hand between him and Mascal, seized him by the collar, and cried out, "Spies! spies!" The mob, on that, pushed him about; but by applying to a man, he and the mob entered into an altercation, whilst he slipped away and got behind Mr. Mascal. The guard then came up. Mascal said, push forward boys, huzza'd, pulled off his hat, and cried, "No Popery!" The mob pressed close on the guard. The officer pulled off his hat, and said, "I will not hurt a hair of your heads," and desired them to disperse. He soon after saw Mascal again. A party of about twelve came up with a blue flag towards Mascal, urging "where next." The answer, which he *believed* was from Mascal, was Duke! Duke! He was then two yards from Mascal. He afterwards saw Mascal going towards Russel-street, and saw a man present a paper to Mascal, and ask, "Why do you leave out Peterborough and Bristol?" He went out of, and came again into, Russel-street, to the person who held the paper in his hand. Mascal answered, "They are not left out, I have not scratched them out; but do not stay long in Devonshire, but go to the bank; there is a million of money to pay you for your pains."

Sir Thomas Mills deposed, "That he was at Lord Mansfield's during the riot, and knew the prisoner by sight. At half past twelve, on the morning of the 7th, he heard the mob coming up the square, being then in Lord Mansfield's house. They began by breaking the parlour windows; Lady Mansfield and the ladies came down, and he conducted them to Lincoln's-inn-fields, but instantly returned in order to make the guards in the square act to save the house. He found the officer with his detachment near the house; but the officer said, the justices of the peace had all run away, and he could not act without a magistrate. The mob overhearing this, pulled him about, and dragged him towards the fire to throw him on it. One behind cried

out, "Mascal will protect you; there he is." He was then rescued, and saw the prisoner at some distance from the mob, who were at that time bringing out Lord Mansfield's gowns and wigs—that Mascal was huzzaing with others, "No Popery!" and had a blue cockade. He afterwards went to search for a justice, which took up half an hour; it was then a quarter past one, but finding no justice, he returned. The mob had then got into the library; the witness at that time was in the square, and saw the prisoner upon the upper step of the house. He attempted to get up to the steps to expostulate with the prisoner; three or four well-dressed men advised him not to go further, lest he should be thrown into the area, or the fire, for they were determined to proceed. He then left them, and saw the prisoner no more that night; he returned before three; he cannot in his conscience say he heard the prisoner *say* any thing, saw him *do* any thing, or have any thing in his hand, but he appeared active—and proved the house to be demolished."

Mr. Mascal began his defence by observing, that the humanity of the English law considered every man innocent, until he was convicted; and that a jury would certainly consider it necessary that an *inducement* should be shown sufficient to carry away a man of character and independent business to act in the manner which had been alledged against him. He had long lived in credit and reputation, and it could not be presumed that he would, in the face of his neighbours, head a mob of boys, and banditti of pickpockets.

One circumstance, he observed, deserved peculiar attention from the jury—Ingram had not given information against him from the 7th to the 17th.

He had witnesses, he said, to contradict every fact sworn against him; and observed, that the evidence of Ingram ought not to have much weight on the minds of the jury, since Ingram had always been his declared and avowed enemy.

As for Sir Thomas Mills, he hoped his attachment, and the motives which might promote his zeal in this cause, would have proper weight with the jury. He had been, on a former occasion, contradicted by five affidavits against his single oath.

Baron Skynner said, that this part of the defence could

not be received; he was very sorry to interrupt Mr. Mascal, but what he was going into was highly improper.

Mr. Mascal proceeded, by urging the improbability of the charge against a man situated in life as he was. He would shew by his witnesses that he did not leave his house till one o'clock in the morning, and at a quarter after one he admitted he was in Bloomsbury-square, viewing the fire at Lord Mansfield's house. But though he was there, he did not, as had been falsely asserted, stimulate the mob, but deplored and execrated the mischief they were perpetrating.

His fortune, his character, his life, he threw upon the verdict of the jury cheerfully; not doubting but their verdict would give satisfaction to every one not interested in procuring his death.

Mr. Mascal produced several creditable witnesses to his character, and to prove his innocence: among others,

John Cowper, cheesemonger, in Queen-street, Bloomsbury, deposed, he was in Bloomsbury-square at one o'clock, and stood about five yards from Bedford-gate. That he was at home at ten minutes past two. He saw Mr. Mascal there about five minutes after he came—Mascal stood close behind him, and behaved very quietly, but he lost sight of Mascal about five minutes before he left the square. Did not hear Mascal speak to any of the mob, nor any of the mob speak to him, but saw him speak to spectators. Mascal spoke to the witness and his wife, when the witness said, "Good God! what shocking work is here!" And when the furniture was thrown out, Mascal said, "Good God! what a pity this is!"

Being cross-examined, he said, he did not change his place many yards while he staid—that he saw Mascal go towards Great Russel-street, towards the Museum.

Mrs. Wood deposed she heard Mr. Mascal lament the loss of the furniture, and that his conduct was as quiet as her own. She corroborated every circumstance sworn to by the preceding witnesses.

John Robinson deposed, he was present at Bloomsbury-square, at about a quarter past one, and saw Mascal; that he was there above an hour, and saw him frequently, but could not observe him to have any thing to say to

the fire, or the riot—saw none of the mob speak to him, nor he to any of the mob. That he came voluntarily to give his evidence, being convinced, in his conscience, that Mr. Mascal was innocent of the charge brought against him.

William Crutch deposed, he was at Lord Mansfield's at twelve o'clock, as he lives near it; he went into the house to give assistance, but he did not see Mascal there, though he saw several others very active; and he was in the square till near five, a few minutes before the military fired.

The jury, without quitting the court, brought in their verdict, Not Guilty; upon which there was a loud clapping, which the judge highly reproved, and said, if the same was repeated within his hearing, he would commit the offenders.

Mr. Mascal, when the Jury had given their verdict in his favour, in a short speech addressed himself to them and the court, returning them thanks for their candour, attention, and patience.

Baron Skynner said in reply, that it was the duty of the court to think no time too much to dedicate to the investigation of truth, let the event go either to the acquittal or to the condemnation of a prisoner. The trial lasted seven hours.

Edward Dennis, the hangman, was found guilty of being active in assisting to demolish the house of Mr. Boggis, in New Turnstile, Holborn.

Enoch Fleming and John Morris (a youth about 15), for destroying the house of Ferdinand Schomberg, in Woodstock-street, Oxford-road, were found guilty; Morris was recommended to mercy.

Tuesday, July 4, Mary Roberts and Charlotte Gardiner, a negro, were indicted for aiding in the demolition of Mr. Lebarry's house, and were found guilty, death.

John Gray was found guilty for aiding to destroy Lord Mansfield's house, but recommended to mercy.

Richard Foster, guilty, for demolishing Mr. Schomberg's house.

Wednesday, July 5, John Gamble was indicted for committing depredations in the house of David Wilmot, Esq. at Bethnal-green, and found Guilty.

George Staples, for demolishing the house of Mr. Malo, in Moor-fields, June 7. Guilty.

James Bulkeley, for destroying the dwelling house of Cornelius Murphy, Golden-lane, found guilty, but recommended to mercy.

Benjamin Waters, for the same. Guilty.

Samuel Solomons, for demolishing the dwelling house of Christopher Conner, in Black-horse-yard, Whitechapel. Guilty.

Joseph Marquis, for demolishing Murphy's house, Golden-lane. Guilty, but recommended to mercy.

Susannah Clarke, for the same. Elizabeth Lyons deposed, that on the night of the riot, she did not see Clarke do any thing, but heard her say to Walter, one of the mob, "They are Irish Catholics : if they are not, why do they keep Irish wakes?" Upon which Walter answered, "That the house shall come down;" and the mob immediately forced in, Walter being the first man that entered, her husband being present at the time.

The Chief Baron in his charge, said, "It is a rule of law, that no woman can be charged with any felony committed in the presence of her husband, the law presuming that the wife acts under the direction of her husband; and Murphy, though not in the present case, has, in two former trials, sworn that the husband joined with her in the fact." She was acquitted.

Thursday, July 6, Charles Kent and Letitia Holland, were tried for pulling down Lord Mansfield's house, and both found guilty. Holland was a handsome young woman about 18.

William Avery was tried for destroying Mr. Cox's house in Great Queen-street, Lincoln's-inn-fields; he was found guilty : but, having a very good character, was recommended to mercy.

John Cabbridge was found guilty of stealing several articles in the house of Mr. Langdale, and was sentenced to five years' labour on the Thames.

Sarah Hyde, for stealing a quart pot, the property of Mr. Langdale, was sentenced to be privately whipped.

William Vanderbank, and James and Thomas Prior, for stealing several articles, the property of Mr. Langdale. Vanderbank and Thomas Prior, guilty, and James Prior, not guilty.

Jemima Hall and Margaret Stafford, for stealing a feather bed, the property of Christopher Conner. Hall was found guilty of single felony.

Friday, July 7, Benjamin Bousey, a black, indicted for demolishing Mr. Akerman's house. Found guilty.

Francis Mockford, for the same offence, found guilty; but recommended to mercy.

Thomas Haycock, for the same offence. Found guilty.

John Glover, a black, for the same offence. Guilty.

Richard Hyde, for the same offence, being proved insane, was acquitted.

Theophilus Brown and Thomas Baggot, were tried for pulling down the house of Mary Crook, of White-street, Moorfields. The former was found guilty, and the latter acquitted.

Monday, July 10, James Burn, Thomas Price, and John Thompson, were indicted for pulling down the house of John Bradbury, in Golden-lane. The two former were found guilty, and Thompson was acquitted.

John Burgess, a boy about 13, was found guilty of pulling down the house of John Lynch, but was recommended to mercy.

James Jackson, for being the ringleader, and carrying a flag when Newgate was set on fire. Found guilty.

Jonathian Stacey was indicted for pulling down the house of Mr. Dillon, in White-street, and found guilty.

The first report was made to the King on Wednesday, July 5, when the following rioters were ordered for execution, near the spots where the felonies they were guilty of had been committed, viz. William McDonald, Mary Roberts, Charlotte Gardiner, Wm. Brown, Wm. Pateman, Thomas Taplin, Richard Roberts, James Henry, and Enoch Fleming.

The second report was made on Friday, July 14, when the following rioters were ordered for execution, viz. John Glover,* James Jackson, Benjamin Bowsey,* Samuel Solomons, John Gamble, Thomas Prince, Benjamin Waters, Jonathan Stacey, George Staples, Charles Kent, Lætitia Holland,* and John Gray.

The Special Commission of Oyer and Terminer and Gaol Delivery, in and for the county of Surry, for the trial of the rioters, was opened on the 10th of July, at

* Those marked with an asterisk were respited afterwards.

St. Margaret's Hill. After the commission was opened, Lord Loughborough delivered his Charge to the Grand Jury, of which the following are extracts:—

“ I think it an essential part of my duty to lay before you, in one general view, a short account of those dangers from which *this kingdom* has been lately delivered. I use this expression, because it will clearly appear that the mischief devised was—not the destruction of the lives or fortunes of individuals, or of any description of men—no partial evil—but that the blow, which it has pleased Providence to avert, was aimed at the credit, the government, and the very being and constitution of this state.

“ A petition was to be presented to the House of Commons, for the repeal of an act, in which the petitioners had no special interest.

“ *To petition for the passing or repeal of any act* (said his Lordship) *is the undoubted inherent birthright of every British subject*; but under the name and colour of petitioning, to assume command, and to dictate to the legislature, is the annihilation of all order and government. Fatal experience had shewn the mischief of tumultuous petitioning, in the course of that contest, in the reign of Charles the First, which ended in the overthrow of the monarchy, and the destruction of the constitution; and one of the first laws after the restoration of legal government, was a statute passed in the 13th year of Charles II. ch. 5, enacting, that no petition to the King, or either House of Parliament, for alteration of matters established by law in Church or State (unless the matter thereof be approved by three justices, or the grand jury of the county), shall be signed by more than twenty names, or delivered by more than ten persons.

“ In opposition to this law, the petition in question was signed and delivered by many thousands; and in defiance of principles more ancient and more important than any positive regulations upon the subject of petitioning, the desire of that petition was to be effected by terror of the multitude that accompanied it through the streets, classed, arranged, and distinguished as directed by the advertisement.

“ How the leaders of that multitude demeaned themselves, what was the conduct of the crowd to the members of both houses of parliament, it is not my intention to state. I purposely avoid stating these things, because at the same time that I point out the general complexion of the transaction, and relate general facts that are unfortunately too public and notorious, I choose to avoid every circumstance that may have a direct and immediate relation to particular persons. My purpose is to inform, not to prejudice or inflame. For this reason I feel myself obliged to pass over in silence all such circumstances as cannot, and as ought not to be treated of or expressed but in stronger language, and in more indignant terms than I choose at present to employ.

“ Towards the evening, the two houses of parliament were released from the state in which they had been held for several hours. The crowd seemed to disperse. Many of the persons so

assembled, it is not to be doubted, retired to their dwellings, but some more desperate and active remained to convince the legislature, that the menaces with which they had invaded the ears of all who met them in the streets, were not fruitless; that they had not abandoned their purpose, but meant to carry it into full execution. When night fell, the houses of two foreign ministers, in amity with his majesty, were attacked, and their chapels plundered and set on fire.

“If such an outrage had been committed on one of our public ministers, resident in any of those countries the most superstitious and bigoted to its established religion, what reproach would it not have cast upon that country? What indignation and abhorrence would it not have justly excited in our breasts? Upon this tolerant and enlightened land, has that reproach been brought!

“Upon the 3d of June there was a seeming quiet, *a very memorable circumstance!* for sudden tumults when they subside are over. To revive a tumult, evinces something of a settled influence, and something so like design, that it is impossible for the most candid mind not to conceive that there lies at the bottom a preconcerted, settled plan of operation. Sunday, the next day, a day set apart by the laws of God and man as a day of rest, and as a day not to be violated even by the labours of honest industry; in broad sunshine, buildings and private houses in Moorfields were attacked and entered, and the furniture deliberately brought out and consumed by bonfires. *And all this was done in the view of patient magistrates!*

“Some magistrates and some individuals had indeed in the beginning of the disturbance exerted themselves, and several who had been active in the demolition of the ambassadors' houses had been committed. On Monday the mob, who had not been resisted, but had proceeded with a success which had increased their impetuosity, thought it necessary to show that the law should not be exercised with impunity on delinquents like themselves. It was the business of Monday to destroy the houses of the magistrates, and other persons who had been instrumental in apprehending them: but these outrages, great as they were, fell far short of those committed on the Tuesday and Wednesday, which will ever remain a stain on our annals. Fresh insults of the most daring and aggravated nature, were offered to Parliament, and every one, who was in London at the time, must remember, that it bore the appearance of a town taken by storm; every quarter was alarmed; neither age, nor sex, nor eminence of station, nor sanctity of character, nor even an humble though honest obscurity, were any protection against the malevolent fury and destructive rage of the lowest and worst of men.

“But it was not against individuals alone, that their operations were now directed. What has ever been in all ages, and in all countries, the last effort of the most desperate conspirators, was now their object. The gaols were attacked, the felons released—men whose lives their crimes had forfeited to the justice of the law, were set loose to join their impious hands in the work.

“The city was fired in different parts. The flames were kindled

in the houses most likely to spread the conflagration to distant quarters, the distillers, and other places, where the instruments of trade upon the premises were sure to afford the largest quantity of combustible matter! And in the midst of this horror and confusion, in order more effectually to prevent the extinguishing of the flames, an attempt to cut off the New River water, and an attack on the credit of the kingdom, by an attempt against the Bank of England, were made. Both these attempts were defeated, providentially defeated; but they were made under circumstances which evince that they were intended to be effectual, and which increase the satisfaction and the gratitude to Providence that every man must feel, when he recollects the fortunate circumstance of their having been deferred till that stage of the business.

"The calendar points out a number of prisoners who may be indicted (as appears from their commitments) for burning and pulling down, or beginning to set fire to, and pull down, the King's Bench Prison, the House of Correction, and nine dwelling-houses within the county; others may be charged with breaking open the gaols, and releasing the prisoners; others again may be charged with extorting money from individuals, under terror of the mob, which is clearly and incontrovertibly a robbery. As some of you, gentlemen, are by your professions, and all of you undoubtedly from your rank and station, acquainted with the ordinary administration of criminal justice, it is unnecessary for me to enlarge on the subject of these felonies.

"Burning a house, or out-house, being parcel of a dwelling-house, though not contiguous, nor under the same roof, was a felony at the common law, and by statute, the benefit of clergy was taken away.

"To set fire to any house, or out-house, though it is not burnt, is made a capital felony, by 9 Geo. I. chap. 22. And by statute 1 Geo. I. chap. 5, called *The Riot Act*, the offence of beginning to pull down buildings, by twelve, or more persons, is made a capital felony.

"But here I take this public opportunity of mentioning a fatal mistake into which many persons have fallen. It has been imagined, because the law allows an hour for the dispersion of a mob to whom the riot act has been read by the magistrate, the better to support the civil authority, that during that period of time, the civil power and the magistracy are disarmed, and the king's subjects, whose duty it is at all times to suppress riots, are to remain quiet and passive. No such meaning was within the view of the legislature; nor does the operation of the act warrant any such effect. The civil magistrates are left in possession of those powers which the law had given them before; if the mob collectively, or a part of it, or any individual, within and before the expiration of that hour, attempts or begins to perpetrate an outrage amounting to felony, to pull down a house, or by any other act to violate the laws, it is the duty of all present, of whatever description they may be, to endeavour to stop the mischief, and to apprehend the offender. I mention this, rather for general information, than for the particular instruction of the gentlemen

whom I have now the honour of addressing, because the riot act I do not believe will come immediately under your consideration: Fame has not reported, that it was any where, or at any time, read during the late disturbances.

“In all cases of burning or pulling down buildings, the being present, aiding, abetting, and encouraging the actual actors, though there be no act proved to be done by the party himself, is a capital felony. This is a doctrine solemnly delivered lately by the judges, and I believe will never be doubted.”

Tuesday, July 11th, Joseph Lovell and Robert Lovell were indicted for destroying the house of Thomas Conolly, and were found guilty. They were gypsies.

William Heyter, for destroying the dwelling-house of Alexander French, in East-lane, June 7th, and found guilty, but recommended to mercy; but Baron Eyre did not approve of this recommendation.

Charles King and Ambrose Long, for destroying Conolly's house. King was found guilty; Long acquitted.

On Wednesday, July 12, nine prisoners were tried, seven of whom were capitally convicted, viz. Edward Dorman, Thomas Murray, Henry Wadham, Mary Cooke, Susannah Howard, Samuel Lyman, and John Hyde, for destroying the house of Paul Pemary, of Kent-street.

William Smith (late a brandy-merchant) was tried for heading the mob who destroyed Conolly's house.

Mr. Attorney-General informed the Jury, that the prisoner had formerly been in business, but having met with misfortunes, was now out of business; that from his appearance it might be concluded, he would not himself be active in the work, while better instruments might be found; but that it would be proved that he was, in fact, the leader and exciter of the rioters.

Robert Chafers, of Tooley-street, about ten doors from Conolly's, deposed, that the mob came there about half past one on the 8th of June; they demolished the house, and threw out the furniture, afterwards put it in two carts, carried it away, and burnt it; that he knew the prisoner, saw him opposite the house with his hat in his hand, and rather exulting when any particular act was done, such as pulling down part of the front; saw him twice whirl his hat, but did not observe him there above ten minutes; saw him afterwards at the Ram's Head tavern; about half past three somebody said, “Soldiers were coming, and the mob would soon be

dispersed." The prisoner said, "Five hundred prisoners had been released from the King's Bench, and were coming from the Halfpenny Hatch (about three minutes' walk) to join them." The prisoner and most of the rioters had blue cockades.

On his cross examination, he said it was about an hour after the beginning of the mischief when he saw the prisoner; that the prisoner, when in business, lived very near the spot; when he was in the Ram's Head tavern he seemed in liquor, but did not, in the least, see the prisoner give any advice or direction to the mob. At the public-house his behaviour was decent and sober.

William Smith, Mr. Scott, Mr. Bolton, of the Green Park coffee-house, and several others, appeared to the prisoner's character. The jury acquitted him.

Thursday, July 13, eleven prisoners were tried, nine of whom were capitally convicted, viz. Benj. Rowland, George Fletcher, William Imbest, Samuel Jordan, Oliver Johnson, Robert Lovel, Richard Millar, James Palmer, and Elizabeth Collins, for riotously and tumultuously assembling, and feloniously beginning to pull down the dwelling-house of Laurence Walsh.

Friday, July 14, seven prisoners were tried, five of whom were capitally convicted, viz. John Davis, and Theodore Atkinson, for pulling down the house of Margaret Cooper, in Kent-street, on the 9th of June; John Barton, for pulling down the house of Edward Dodd, in Lombard-street, in the Mint; recommended to mercy. Henry Penny and John Bridport, for demolishing the house of M. Cooper; the latter recommended to mercy.

Saturday, July 15, Lord Chief Justice Loughborough passed sentence on those prisoners who had been convicted.

After which, Joseph Haynes, for destroying Conolly's house, was found guilty, but recommended to mercy. Six other prisoners were tried, and acquitted.

Monday, July 17, five prisoners were tried for demolishing the house of Benjamin Thomas, Esq. commonly called the King's-Bench prison. Not guilty.

Tuesday, July 18, William Smith was a second time indicted, for that he, with divers others, did begin to demolish and pull down the house of Mr. Matthew Casey,

East-lane, Tooley-street, on the 7th of June last. He was acquitted.

Lord Loughborough afterwards addressed the convicts in a very affecting manner. Two of the prisoners, he said, had been recommended to mercy, but there was one of them (Bridport) who, having been found guilty of a capital crime, ought not to expect any mercy. The part of his duty, which he would execute with the greatest pleasure, would be, he said, to represent at the foot of the throne, such favourable circumstances as had appeared in the trials. But he observed, as in compassion and justice to all the people of the kingdom, it was impossible to shew mercy to all that had been condemned, he advised each convict to look upon himself as one of those who were not to experience mercy.

The trials of the rioters took place under a special commission: In London and Middlesex, tried, 84; found guilty, 34; respited, 15; executed, 19; acquitted, 50. In Southwark, tried, 50; found guilty, 24; respited, 18; executed 7; acquitted, 26. Besides the above who were executed, the return published of those who were killed by the soldiers amounted to 210, and 75 died in hospitals; in all, 285; and upwards of 2000 were afterwards set at liberty from the several gaols.

It is necessary to observe, that there was not one man of character or condition, of any description, who abetted the rioters in the commission of these enormities; nor any man among the associated Protestants, who was either tried or taken up on suspicion.

The names of the malefactors, with the times and places of their execution, are as follows:

William Macdonald, Charlotte Gardiner, and Mary Roberts, were executed July 11th, at Tower-hill; W. Brown, in Bishops-gate-street; and W. Pateman, in Coleman-street.—On the 12th, T. Taplin and R. Roberts, in Bow-street; and James Henry, on Holborn-hill.—On the 13th, E. Fleming, in Oxford-road.—On the 20th, J. Gamble, at Bethnal-green; S. Solomons, in White-chapel; and J. Jackson, in the Old-Bailey.—On the 21st, T. Price, J. Burn, and B. Waters, in Old-street; and G. Staples, and J. Stacey, in Moorfields.—On the 22d, C. Kent, and J. Grey, in Bloomsbury-square.

Borough rioters, executed August 9, 1780, in St. George's-fields:—R. Lovell, Mary Cook, E. Dorman, Olive Johnson, Eliz. Collings, H. Penny, and J. Bridport, who all behaved in a very becoming manner.

ABRAHAM DARNFORD AND WILLIAM NEWTON,
FOR ROBBERY AND ATTEMPT TO MURDER, 1780.

It appeared that one of the prisoners had lodged an accepted bill at the banking-house, to be received when due, and the money to be remitted into the country, according to direction. As this pretended bill was directed to an empty house, and had several days to run, the villains in the mean time applied to the persons who had the letting of the house, to take it; had taken it, and got the key, under pretence of getting the house cleaned. The landlord being made acquainted with the haste his new tenants were in to take possession, and not exactly liking their description, desired the mistress of the public-house, on the opposite side of the way, to watch their proceedings.

Accordingly, on the day when the bill became due, she observed two men enter the house, and open the parlour windows, and presently after, a third man came and knocked at the door, was let in, and the door shut. Waiting to see the event, she thought she heard an uncommon noise, and stepping over the way, and listening, was struck with the sound of murder, pronounced in a hoarse faint voice, succeeded by a kind of groaning, which very much alarmed her; and looking through the key-hole, she saw two men dragging the third down the cellar stairs, on which she cried out violently, *they're murdering a man*, knocked hard at the door, and begged the people in the street to break it open; but none would interfere. Being enraged at their brutality, she burst open the window herself, and was entering, when one of the villains opened the door, and was running off; but on the cry of, "Stop thief," he was instantly taken, and she seized the other by the throat, and dragged him to her own house, by which this horrid affair was brought to light. They had robbed the poor man of his pocket book, and had nearly throttled him to prevent alarm, till they had got him into the back cellar, where they probably would have murdered him, had not the woman by her fortitude interposed to save his life.

They were tried and convicted on Sept. 17, on the evidence of Mrs. Bouchier the landlady; for the clerk being a quaker, refused to be sworn.

During his imprisonment, Darnford made the following extraordinary confession of his past offences:

“Newgate Cells, Nov. 21, 1780.

“Sensible of the injuries I have committed against many people who have been defrauded by me, and having nothing before me but the prospect of a speedy dissolution, and an ignominious one; as it is not in my power to make any restitution to the several persons who have been injured by me, but do for their satisfaction declare the principal transactions I have been guilty of, or concerned in.

“The method I chiefly put in practice, was forging the post-mark of different towns, which I put on a piece of paper made up as a letter, and then went to the inns where the coaches came, and heard the parcels called over; then went to a public-house near, and wrote the direction on the letter the same as was on the parcel I had fixed on. The book-keepers seeing the direction the same, and the post-mark on it, they usually gave me what I asked for, on paying their demand.

The following are the principal transactions I have been concerned in, which I can at present recollect:

In September, 1777, I got a parcel sent from Norwich, directed to Smith, Wright, and Gray, which contained bills to the amount of 500*l.* and upwards; one of them for 216*l.* 5*s.* was drawn on Mr. Gaussen, in St. Helen's, which I carried for acceptance, and prevailed on him to give me the cash, allowing him the discount. I wrote John Watkins on the bill, and likewise on the draft, which Mr. Gaussen paid me; the amount I received in cash at the Bank of England. Two more of the bills I left for acceptance, and the others I destroyed.

In July, 1778, I obtained a box at the Bull and Mouth Inn, sent from Birmingham in the same manner. After hearing the several parcels called over, I fixed on a box directed to Mr. Ford, Lombard-street; I had a letter in my pocket with the Birmingham post-mark on it, and went to a public-house just by and wrote the same direction as on the box. On showing the letter to the book-keeper, he immediately gave me the box, which I carried to Cheapside, took a coach home, opened it, and found upwards of 100*l.* in cash, and some bills; several I negotiated, and the others I returned in a cover to Birmingham, to the persons who sent them, Messrs. Whitworth and Yates. Two of these bills I negotiated at Hazard's for tickets; two with Mr. Cox for gold; and one with Mr. Crafton for stockings, which his man carried to a box-maker in Bishopsgate-street, where I bought a box to pack them in. I indorsed those bills in the name of Thomas Downer, Tooley-street, and afterwards conveyed the box to Mr. Ford's house, and there left it.

Soon after, I obtained a parcel directed to Sir William Lemon and Co. wherein was a letter and account, the writing of which

appeared very much like mine. I copied the letter with an addition, desiring them to purchase twenty-five lottery tickets, which I afterwards understood they did; I desired they might be delivered to a person who would call for them; I sent a ticket porter for them, who soon returned, and said they would not deliver them.

Soon after I began practising the invention of the post-mark, I went to the Green Dragon, in Bishopsgate-street, and fixed on a parcel from Lynn, directed, I think, to Messrs. Boydells, Castle-street, Leicester-fields—I produced the letter, and received the parcel; on opening it, I found it contained only a parcel of livery clothes, and a letter; I found by the letter that Messrs. Boydells were indebted to the person who sent the clothes about 30*l*. (I think his name was Curtis)—I wrote a letter, instead of the other, as coming from Mr. Curtis, telling them I had burnt my hand, and that I could not write myself, but had got a neighbour to write for me, and I drew a bill at sight for 25*l*. which they paid to the porter I sent for the money. I was afraid it would not suit Messrs. Boydell's to pay the bill at sight; and to deceive them the more, I desired them in the letter to inquire about a ticket in the State Lottery, which I knew was drawn a 500*l*. prize a few days before, telling them it was the property of myself (meaning Curtis), and if it was a prize I would send it to them to sell for me.

Another parcel I obtained from the Bell and Crown, Holborn, directed for Mr. Fox, Cheapside, containing a piece of Irish cloth, and several bills, two of which I negotiated; one of them was drawn on Smith, Wright, and Gray, for 50*l*. which I paid Hornsby and Pearce for lottery tickets; the others, about 20*l*. I received in cash. Another parcel I obtained from the King's-arms, Snow-hill, directed to Mr. Bedford, Friday-street, containing some dimity, &c. which I sold for what I could get.

I also obtained a basket from the Spread Eagle, Gracechurch-street, directed to Mr. Stock, linen-draper, containing a goose, and a bill on Mr. Branwaite, which he accepted, and I negotiated it at a refiner's, in Castle-street, near Aldersgate-street.

I was the sole actor, and had no accomplices, in all the above frauds; and I hope no person will ever reflect on my poor wife and children, or suppose they were in any manner concerned with me. I solemnly declare they are perfectly innocent, and were never acquainted with any one fraud I have committed. I make this confession voluntarily, for the satisfaction of the many persons that have been injured by me, and to prevent suspicion from being cast on innocent persons, having frequently discovered that was the consequence of the frauds I practised. I declare this solemnly to be a true and voluntary confession.

ABRAHAM DARNFORD.

They were executed November 22, 1780.

GEORGE GORDON, ESQ.,
COMMONLY CALLED
LORD GEORGE GORDON,
FOR HIGH TREASON, 1781.

GEORGE GORDON, commonly called Lord George Gordon, was the son of Cosmo George Duke of Gordon, and was born in 1750. He entered into the navy when young, but quitted it on account of a dispute with Lord Sandwich. He afterwards sat in parliament for Ludgershall, and distinguished himself by his opposition to the ministry. But what chiefly brought him into notice, was his opposition to the bill for granting further toleration to the Roman Catholics, in 1780. On the 5th of February, 1781, he was tried in the Court of King's Bench for the part he had taken in the disturbances, resulting from that question, in the preceding year; when the following indictment was preferred against him:

“ Middlesex,

“ The jurors for our lord the king upon their oath present, That George Gordon, late of the parish of St. Mary-le-bone, otherwise Marybone, in the county of Middlesex, Esq.; commonly called Lord George Gordon, being a subject of our said sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, and entirely withdrawing the love, and true and due obedience which every subject of our said sovereign lord the king should and of right ought to bear towards our said present sovereign lord the king, and wickedly devising and intending to disturb the peace and public tranquillity of this kingdom, on the 2d day of June, in the twentieth year of the reign of our said sovereign lord the now king, at the parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, unlawfully, maliciously, and traitorously did compass, imagine, and intend to raise and levy war, insurrection, and rebellion against our said lord the king within this kingdom of Great Britain; and to fulfil and bring to effect the said traitorous compassings, imaginations, and intentions of him the said George Gordon, he the said George Gordon afterwards (that is to say) on the 2d day of June, in the twentieth year aforesaid, with force of arms, &c. at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, with a great multitude of persons whose names are at present unknown to the jurors aforesaid, to a great number, to wit, to the number of five hundred persons and upwards, armed and arrayed in a warlike manner (that is to say), with colours flying, and with swords, clubs, bludgeons,

staves, and other weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traitorously assembled and gathered together against our said present sovereign lord the king, most wickedly, maliciously, and traitorously did ordain, prepare, and levy public war against our said lord the king, his supreme and undoubted lord, contrary to the duty of his allegiance, against the peace of our said lord the king, his crown, and dignity, and also against the form of the statute in such case made and provided. And the jurors aforesaid, upon their oath aforesaid, further present, that the said George Gordon, being a subject of our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and entirely withdrawing the love, and true and due obedience which every subject of our said sovereign lord the king should, and of right ought to bear towards our said present sovereign lord the king, and wickedly devising and intending to disturb the peace and public tranquillity of this kingdom, afterwards, to wit, on the said second day of June, in the twentieth year of the reign of our said sovereign lord the now king, and on divers other days and times between that day and the tenth day of the said month of June, at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, unlawfully, maliciously, and traitorously, did compass, imagine, and intend to raise and levy war, insurrection, and rebellion against our said lord the king, within this kingdom of Great Britain; and to fulfil and bring to effect the said last mentioned traitorous compassings, imaginations, and intentions of him the said George Gordon, he the said George Gordon, on the said second day of June, in the twentieth year aforesaid, and on divers other days and times between that day and the tenth day of the same month of June, with force and arms, &c. at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, with a great multitude of persons whose names are at present unknown to the jurors aforesaid, to a great number, to wit, to the number of five hundred persons and upwards, armed and arrayed in a warlike manner (that is to say), with colours flying, and with swords, clubs, bludgeons, staves, and other weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traitorously assembled and gathered together against our said present sovereign lord the king, most wickedly, maliciously, and traitorously did ordain, prepare, and levy public war against our said lord the king, his supreme and undoubted lord, contrary to the duty of his allegiance, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided."

Evidence for the Crown.

William Hay, a printer in Fleet-street, swore, that he had seen the prisoner five or six times at different places where the Protestant Association met; particularly at



LORD GEORGE GORDON.



Made & Published by A. S. S. Street.



Portrait of [illegible]



[illegible]

St. Margaret's-hill, at Greenwood's rooms, at the Old Crown and Rolls in Chancery-lane, at the London-Tavern, and at Coachmakers'-hall; that at the meeting at Coachmakers'-hall, on the 29th of May, previous to their going up to the House of Commons, he heard the prisoner announce to a numerous assembly, "That the Associated Protestants amounted to upwards of 40,000; that, on Friday the 2d of June, it was resolved they should meet in St. George's Fields, in four separate divisions or columns, arrayed or drest in their best clothes, with blue cockades in their hats, as he himself should wear one, to distinguish them from Papists or friends to Roman Catholics;" that some evenings before, at the Crown and Rolls, the prisoner read over the preambles or certain parts of the penal laws of Charles II. William and Mary, and George II.; that, after reading them, he observed, "That, by his majesty's giving his assent to the Quebec law, and the late Act tolerating the Roman Catholics in England, his counsellors had brought him to that pass or situation in which James II. was after his abdication;" that he then read his majesty's coronation-oath, and said, "It was his opinion, that his majesty had broken that oath," and that "the people of this country did not mince the matter, they spoke their minds freely, and avowed it to be true;" that, on Friday the 2d of June, he saw a vast multitude collected in St. George's Fields, with cockades and banners, and the words *Protestant Association, No Popery!* on them; and that he saw Lord George haranguing the mob; that afterwards he saw them march through Fleet-street, on their way to the House of Commons; that the same day he was in the lobby of the house, which was much crowded; that he heard Lord George exhort the mob 'to continue stedfast in so good and glorious a cause: He would persevere in it himself; and he hoped, although there was very little expectation from the House of Commons, that they would meet with redress from their mild or gracious Sovereign.'

William Metcalf swore that he was at Coachmakers'-hall on the day when the meeting in St. George's Fields was fixed upon; that he went out of curiosity, on hearing Lord G. Gordon was to be there; that he heard him desire them to meet him in St. George's Fields; he

reminded them "that the Scotch had succeeded by unanimity, and he desired that they would likewise be unanimous; he hoped no one, who had signed the petition, would be ashamed or afraid to shew himself in the cause; he would not present the petition, unless he was met in St. George's Fields by twenty thousand people, and he recommended them to come with blue cockades in their hats, as a mark of distinction; he himself would be there to meet them, and would be answerable for any of them that should be molested for meeting there; he wished so well to the cause, that he would go to the gallows *in* it or *for* it; (words to that effect, but that the word *gallows* was certainly mentioned); and that he would not present the petition of a lukewarm people.

John Anstruther, Esq. confirmed the evidence of the preceding witness. He was not certain, however, whether the word "gallows" might not be "death;" he rather believed the former was the word: he said, that after the prisoner had declared, that if there was one less than 20,000 people, he would not meet them in St. George's Fields; he added, "because without that number he did not think their petition would be of consequence enough;" and that he also recommended temperance and firmness in their conduct. This witness then said, that on the Friday after he was in the lobby of the House of Commons; he saw Lord George leaning over a gallery that looks down into the lobby; he heard him address the people from that place; he came out, as he understood, for the purpose of telling them what passed in the house; he told them, "they had been called a mob within the house; that the peace-officers had been called in to disperse them;" I think he said, "them peaceable petitioners;" that "they had not given their reasons to the house why they had not dispersed them; he believed the peace-officers had signed the petition; some people had mentioned in the house something relative to calling in the military; he hoped nobody would think of taking a step of that sort, as it would infallibly tend to create divisions among his Majesty's subjects." He again mentioned "how the Scotch by their steadiness had carried their point; he had no doubt his Majesty would send to his ministers to desire them to re-

peal the act, when he heard that his subjects were flocking from miles round, and wishing its repeal." This witness further said, several people called to Lord G. Gordon, "Do you desire us to go away?" he answered, "You are the best judges of what you ought to do, but I will tell you how the matter stands: the house are going to divide upon the question, whether your petition shall be taken into consideration now, or upon Tuesday. There are, for taking it into consideration now, myself, and six or seven others. If it be not taken into consideration now, your petition may be lost. Tomorrow the house does not meet; Monday is the king's birth-day. On Tuesday the parliament may be dissolved,—or prorogued."

Joseph Pearson, door-keeper to the House of Commons, deposed to the great crowd in the lobby, most, if not all, of whom, had blue cockades; and that the general cry was, "A repeal, a repeal! No Popery, no Popery!" He said, that Lord George came to the door two or three times, and said, "he should come out, and let them know what was going on in the house; they had a good cause, and they had nothing to fear." He came once, and said "Sir Michael le Fleming had spoken in their behalf like an angel." They crowded much upon the witness, who said, "For God's sake, gentlemen, keep from the door." Lord George waved his hand, and said, "Pray, gentlemen, make what room you can; your cause is good, and you have nothing to fear."

Evidence for the Prisoner.

The Rev. Erasmus Middleton, Lecturer of St. Bennet's, was one of the committee of the Protestant Association. He gave an account of its constitution, previous to the 12th of Nov. 1779, when Lord George Gordon became their President. Throughout the whole business of the association his lordship had demeaned himself in the most loyal manner. The witness had watched his conduct with a degree of jealousy, the committee being resolved not to allow any conversation reflecting upon any people whatever, and particularly administration. His lordship always appeared the most dispassionate of any of them, and to have no other view than simply the Protestant interest, and by all legal means

to petition the House of Commons to repeal or to explain that act. In all private conversations his lordship had expressed himself in terms of warm attachment to the King, the Constitution, and the Protestant interest. They were happy in having him for their president, both on account of his rank, his good moral character, and his abilities. The witness being questioned whether in any of his public speeches at the association the prisoner had made use of any disloyal expressions, or that he meant to repeal the bill by force of arms, or by intimidation, he answered strongly in the negative. Not one expression was made use of at their meetings that was hostile to government. The witness then gave an account of much contrariety of opinion at meetings previous to that of the 29th of May, respecting the time and mode of presenting the petition. At this last meeting Lord George said, "he had been informed, that the association were against going up with their petition. Upon this from all parts it was immediately cried, "No, my Lord!" He then made the motion, which was carried unanimously. He then proposed that they should adjourn to St. George's Fields, as no place could contain the number that should assemble; that they should be arranged in different divisions, that he might go from one to the other, and learn the sense of the whole, with respect to the mode of taking up the petition; that it had been hinted, that it was a very easy matter for a person to write 500 names to a petition, and that therefore it was necessary they should appear to their subscriptions, to convince the world they were not fictitious. He begged they would dress themselves decently, and to distinguish them from other people, so that no riots might ensue, that they would have a cockade in their hats; that on such an occasion at least 20,000 might attend, and that they should meet at ten in the morning. Some one objecting, that by meeting so early they might get to drinking, his lordship answered, that the Protestant Association were not drunken people. Another observing, that the military might be called out, he said, "he did not apprehend that; they would be all peaceable, no doubt; that they should not so much as take sticks in their hands; if there were any riotous person, he begged that the rest would give

him up; that if he should even strike any of them not to return it, but to take such person out, that he might be given up to a constable, and taken away." His lordship further said, that if he himself were at all riotous, he begged he might be given up, for he thought it was a proper spirit for Protestants; and, to the best of this witness's recollection, he said, "if they smite you on one cheek, turn the other also."

Lord Stormont deposed to Lord George Gordon's desiring to have access to his majesty, on the morning of Wednesday the 7th of June, as stated in Mr. Kenyon's speech; his message was, that "he desired to see the king, because he could be of essential service in suppressing the riots." Lord Stormont delivered this message to the king, and returned him this answer: "It is impossible for the king to see Lord George Gordon, until he has given proofs of his allegiance and loyalty, by employing those means which he says he has in his power to quell the disturbances, and restore peace to this capital." Lord George said, that, "if he might presume to reply, his reply was, that his best endeavours should be used."

Thomas Evans deposed that he was a member of the P. A.; that being in a coach in Bridge-street, Westminster, on the second of June, between ten and eleven in the forenoon, he received some information from Mr. Smith, keeper of the Guildhall in Westminster, that the latter said was of great consequence to be communicated to Lord George Gordon, viz. that he had been credibly informed, that a number of weavers from Spital Fields—[Here the Court said this was no evidence.] The witness then deposed, that on this information he proceeded to St. George's Fields, in order to endeavour to find Lord George Gordon; that he saw the Scotch division formed, in the centre of which was Lord George; that he and one of his friends got out of the coach, and with difficulty got to the ring; he then told his lordship that he had been informed by Mr. Smith, that there would be a riot in Westminster, if more than thirty or forty attempted to go to the house with the petition; and he asked him if he meant that the whole body was to attend him? He answered, "by no means, by no means;" that "he intended to go to the house alone,

and, some time after he had been there, the petition was to follow him to the lobby of the house, and there to wait till he came out to receive it." The witness then expressed his pleasure in hearing this, as it would prevent the enemy from hurting the cause; and he asked his lordship to give him leave to tell the people so, who replied, "with all his heart." He then told the people that they were to remain in the fields, my Lord George Gordon intending to go alone. He afterwards drove his coach up to the obelisk, being informed that they were forming divisions at the other end of the field. When he came there, he found the people were in a marching line, six in a row, with their faces towards the Borough; he then got out of his coach, and asked them, what they were going to do? they answered, "to march through the city;" he then mentioned what Lord George Gordon had desired him to tell them, and that he was sure there would be a riot, if more than thirty or forty people went to the house. They answered, that, "he need not be afraid of that, for they were determined to make none."

Alexander Johnston said, that he was the last in the procession of the London division. He was in Palace-yard between twelve and one. There were no riots. He then went with some friends to dine in the Strand. About six or seven, word was brought to them, that there was a disturbance in Palace-yard. The company said to him, that they had better go and try to quell the mob. He opposed this, saying, that they (the mob) were no friends to the cause, and that it would be better to stay where they were. However, at their persuasions, he went into Parliament-street. He saw about twenty boys, and five or six men; they were a set of boys and pickpockets, not in the least like the Protestant Association; they were stopping a coach: he seized one of the men, but was persuaded to let him go.

Sir Philip Jennings Clerk said, that he was riding in St. George's Fields, on the 2d of June, about one o'clock. Vast numbers were in the fields, but the great body of them had marched away to the city. Those he saw in the fields appeared to be the better sort of tradesmen, all well-dressed decent people. He asked a great number of them, what was the occasion of their assembling.

They all said that their desire was to have a stop put to public preaching and public teaching. They were all quiet and civil; but had no particular reason to be so to him, for he had never put a blue cockade in his hat. Sir Philip then spoke to what he observed afterwards in the lobby of the House of Commons. The people he first saw in the lobby were not the same, he thought, who were there very late in the evening; for the latter were a lower kind of people, more a mob of blackguards. He only heard part of the conversation which Lord George Gordon held to the people in the lobby. What he could recollect was, that Lord George said, "the member for Bristol is now speaking, he is no friend to your petition; but take notice, I give you no advice, unless it is that you should be temperate and firm." On his cross-examination he gave a circumstantial account of his being dragged on Tuesday evening the 6th, in a chariot, with Lord George Gordon, to the house of Alderman Bull in Leadenhall-street. When the mob took the horses out of the carriage, Lord George said, "for God's sake, go peaceably home, and go about your business;" and whenever he could speak, he said, "whilst you assemble in this tumultuous way, your petition will never be complied with, the house will never consent to it." It was impossible to take more pains to persuade the people to disperse than Lord George did.

Sir James Lowther said, that Lord George Gordon requested to accompany him home in his carriage, from the House of Commons, on the evening of Friday the 2d. When they were got into the carriage, some of the remaining mob came about, and asked, "Is the Bill to be repealed?" Lord George said, "I do not know, I hope it will, but go home, be quiet, make no riot nor noise."

Mr. Alderman Pugh said, that he was in a coach with Lord George Gordon, about three o'clock on the afternoon of the 7th of June. A young man came with half a sheet of paper that was written upon; he seemed to be in great agony; he desired the prisoner to set his name to it; he said, "his house was in danger of being destroyed, and he wished his lordship would sign the paper." The witness was not clear whether Lord George asked his opinion or not, nor whether he looked at it,

but his lordship did sign it; and the man seemed to go away happy.

The evidence for the crown being closed, Mr. ERSKINE addressed the jury in a very long speech, which he opened with a very clear and distinct history of the treason. He stated the wisdom of our ancestors in guarding against the consequences of loose and arbitrary construction, by the most accurate and explicit definitions, and deducing hence a series of incontestable principles, he strongly exhorted the jury to apply them to the whole evidence before them. Then commenting on the various parts of the evidence in the most masterly manner, he concluded with these animated words: "I may now relieve you from the pain of hearing me any longer, and be myself relieved from the pain of speaking on a subject which agitates and distresses me. Since Lord George Gordon stands clear of every hostile act or purpose against the legislature of his country, or the properties of his fellow subjects—since the whole tenor of his conduct repels the belief of the traitorous purpose charged by the indictment—my task is finished. I shall make no address to your passions; I will not remind you of the long and rigorous imprisonment he has suffered; I will not speak to you of his great youth, of his illustrious birth, and of his uniform, animated, and generous zeal in parliament for the constitution of his country. Such topics might be useful in the balance of a doubtful case; yet even then I should have trusted to the honest hearts of Englishmen to have felt them without excitation. At present, the plain and rigid rules of justice are sufficient to entitle me to your verdict; and may God Almighty, who is the sacred author of both, fill your minds with the deepest impressions of them, and with virtue to follow those impressions! You will then restore my innocent client to liberty, and me to that peace of mind, which, since the protection of that innocence in any part depended upon me, I have never known."

After which, Lord Mansfield gave the following charge.

"Gentlemen of the Jury,

"The prisoner at the bar is indicted for that species of high treason which is called levying war against the King, and therefore it is necessary you should first be informed what is in law a levying war against the king, so as to constitute the crime of high treason, within the Statute of Edward III. and perhaps according to the legal signification of the term before that Statute. There are two kinds of levying war:—one against the person of the king; to imprison, to dethrone, or to kill him; or to make him change measures, or remove counsellors:—the other, which is said to be levied against the majesty of the king, or, in other words, against him in his regal capacity; as when a multitude assemble to attain by force any object of a general public nature; that is levying war against the majesty of the king; and most reasonably so held, because it tends to dissolve all the bands of society, to destroy property, and to overturn government; and by force of arms, to restrain the king from reigning according to law.

"Insurrections, by force and violence, to raise the price of wages, to open all prisons, to destroy meeting-houses, nay, to destroy all brothels, to resist the execution of militia laws, to throw down all inclosures, to alter the established law, or change religion, to redress grievances real or pretended, have all been held levying war. Many other instances might be put. Lord Chief Justice Holt, in Sir John Friend's case, says, "if persons do assemble themselves and act with force in opposition to some law which they think inconvenient, and hope thereby to get it repealed, this is a levying war and treason." In the present case, it don't rest upon an implication that they hoped by opposition to a law to get it repealed, but the prosecution proceeds upon the direct ground, that the object was, by force and violence, to compel the legislature to repeal a law; and therefore, without any doubt, I tell you the joint opinion of us all, that, if this multitude assembled with intent, by acts of force and violence, to compel the legislature to repeal a law, it is high treason.

"Though the form of an indictment for this species of treason mentions drums, trumpets, arms, swords, fifes, and guns, yet none of these circumstances are essential. The question always is, whether the intent is, by force and violence, to attain an object of a general and public nature, by any instruments, or by dint of their numbers. Whoever incites, advises, encourages, or is in any way aiding to such a multitude so assembled with such intent, though he does not personally appear among them, or with his own hands commit any violence whatsoever, yet he is equally a principal with those who act, and guilty of high treason.

"Having premised these propositions as the ground-work of your deliberation upon the points which will be left to you, it will not be amiss to lay a matter which you have heard a great deal upon at the bar totally out of the case. Whether the Bill, called Sir George Savile's, was wise or expedient—whether the repeal of it would have been right or wrong—has nothing to do with this trial. Whether grievances be real or pretended—whether a law be good or bad—it is equally high treason, by the strong hand of a multitude, to force the repeal or redress.

"Thus much let me say, it is most injurious to say this Bill, called Sir George Savile's, is a toleration of Popery. I cannot deny, that, where the safety of the state is not concerned, my own opinion is, that men should not be punished for mere matter of conscience, and barely worshipping God in their own way: but where what is alleged as matter of conscience is dangerous or prejudicial to the state, which is the case of Popery, the safety of the state is the supreme law, and an erroneous religion, so far as upon principles of sound policy that safety requires, ought to be restrained and prohibited: no good man has ever defended the many penal laws against Papists upon any other ground: but this bill is not a toleration, it only takes away the penalties of one Act out of many.

"They are still subject to all the penalties created in the reign of Queen Elizabeth; and yet you know Queen Elizabeth succeeded to the crown soon after a cruel tyrant of the Popish re-

ligion. The Reformation was established in her reign. She was excommunicated by the pope, and her dominions given away. Her next heir was a bigotted Papist.* She was exposed to many plots of assassination: therefore sound policy, and even the preservation of her life, during her reign, called for many penal laws against papists.

"This Act repeals no penalty enacted in the reign of King James the First; yet in that reign the provocations given by papists were great. It began with the Gunpowder Plot; and no wonder severe laws were made against them.

"This Act repeals no law made in the reign of King Charles the Second; and yet you know the dread of a popish successor, and the jealousy of the court at that time, occasioned many penal laws to be made against papists.

"In the reign of William the Third, the security of the new government made penal laws against papists necessary; yet this Bill repeals none made during the first ten years of his reign: it only repeals some additional penalties introduced by an Act that passed at the end of his reign, which is notoriously known to have been countenanced or promoted by him. Therefore, be the merits of the Bill, called Sir George Savile's, as it may, it is totally a misrepresentation to infer from thence that papists are tolerated. It is a cry to raise the blind spirit of fanaticism, or enthusiasm, in the minds of a deluded multitude, which, in the history of the world, has been the cause of so much ruin and national destruction. But I have already told you the merits of this law are totally immaterial upon this trial; and nothing can be so dishonourable to government, as to be forced to make, or to repeal, by an armed multitude, any law: from that moment there is an end of all legislative authority.

"There is another matter I must mention to you before I come to state the questions upon which you are to form a judgment, and sum up the evidence, from which that judgment is to be a conclusion.

"A doubt has faintly been thrown out at the bar, whether it is lawful to attend a petition to the House of Commons with more than ten persons? Upon dear-bought experience of the consequence of tumultuous assemblies, under pretence of carrying and supporting petitions, an Act of parliament passed in the reign of King Charles the Second, forbidding, under a penalty, more than ten persons to attend a petition to the king, or either house of parliament: but it is said, that the law is repealed by the Bill of Rights. I speak the joint opinion of us all, that the Act of Charles the Second is in full force; there is not the colour for a doubt: the Bill of Rights does not mean to meddle with it at all: it asserts the right of the subject to petition to the king, and that there ought to be no commitments for such petitioning; which alluded to the case of the bishops in King James's reign, who petitioned the king, and were committed for it. But neither the Bill of Rights, nor any other statute, repeals this Act of Charles

* Mary, Queen of Scots.

the Second: and Mr. Justice Blackstone, in his Commentaries, treats of this Act as in full force; and, as I have told you, we are all of that opinion; and consequently the attending a petition to the House of Commons by more than ten persons is criminal and illegal. Having premised these several propositions and principles, the subject-matter for your consideration naturally resolves itself into two points.

“First, Whether this multitude did assemble and commit acts of violence with intent to terrify and compel the legislature to repeal the Act called Sir George Savile’s. If upon this point your opinion should be in the negative, that makes an end of the whole, and the prisoner ought to be acquitted: but if your opinion should be, that the intent of this multitude, and the violence they committed, was to force a repeal, there arises a second point—

“Whether the prisoner at the bar incited, encouraged, promoted, or assisted in raising this insurrection, and the terror they carried with them, with the intent of forcing a repeal of this law.

“Upon these two points, which you will call your attention to, depends the fate of this trial; for if either the multitude had no such intent, or supposing they had, if the prisoner was no cause, did not excite, and took no part in conducting, counselling, or fomenting the insurrection, the prisoner ought to be acquitted; and there is no pretence that he personally concurred in any act of violence.

[His lordship now summed up the evidence verbatim to the jury; in the course of which he told them, that as he observed that most of them had taken very full notes—that he purposely avoided making any observations upon the evidence, choosing to leave it to themselves; and then concluded as follows:]

“This, gentlemen, is the whole of the evidence on either side: you will weigh this evidence, and all the observations made at the bar, or which occur to yourselves, upon it—I avoid making any. The points for you to determine are—Whether this multitude were assembled and acted with an intent to force a repeal of this called Sir George Savile’s Act; and if you think such was their intent, whether the share the prisoner had in getting together such a number of people to go down to the House of Commons—in meeting them in St. George’s Fields—in talking to them in the lobby—in wearing the cockade on Friday and Saturday—or in any other part of his conduct—had the same intent, by the terror of an outrageous multitude, and the violences they committed and threatened, to force a repeal of this Act. If there was no such intention, either in the mob or in the prisoner, he ought to be acquitted: but if you think there was such an intent in the multitude, encouraged, incited, or promoted by the prisoner, then you ought to find him guilty.

“If the scale should hang doubtful, and you are not fully satisfied that he is guilty, you ought to lean to the favourable side, and acquit him.”

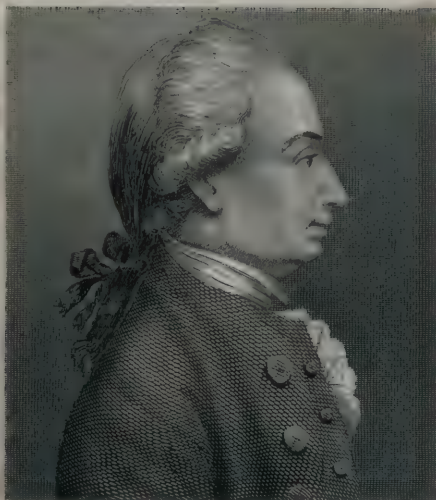
The court sat at eight o'clock on the Monday morning; and at three quarters after four on the Tuesday morning the jury withdrew. They returned into court at a quarter after five o'clock with a verdict, finding the prisoner *Not Guilty*.

CAPTAIN JOHN DONELLAN,

FOR THE MURDER OF SIR THEODOSIUS BOUGHTON,
1st APRIL, 1781.

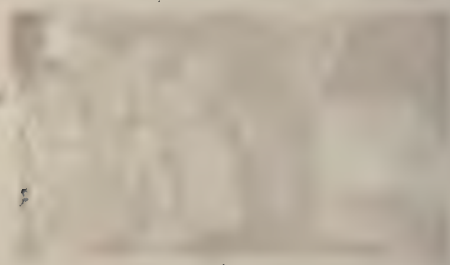
CAPTAIN DONELLAN, the son of Colonel Donellan, was educated at the Royal Academy, Woolwich, for the regiment of artillery, in which he received a commission, and proceeded very young to the East Indies. Unfortunately for him, his views in the army were terminated by some military misdemeanour, which, either by the sentence of a court-martial, or otherwise, obliged him to retire from active service. He now became a man of fashion on the town, and his address recommended him to the office of master of the ceremonies at the Pantheon, an employment which he filled with credit and profit. His first acquaintance with the Boughton family arose at Bath, in the following manner. Lady Boughton and her daughter, on arriving in that city, found every bed in every hotel pre-occupied; and it was signified by the landlord of the hotel at which they stopped, that they had no alternative but to sleep on the chairs of their sitting room. This fact coming to the knowledge of Donellan, who had for some days occupied a chamber in the house, he requested the landlord to introduce him to the ladies, and he made them an offer of his bed in so polite a manner, that it was accepted. In return, the ladies invited the gallant captain to breakfast with them in the morning, which the enterprizing Donellan improved into such an acquaintance, that soon after, in 1777, he married Miss Boughton, a sister of Sir Theodosius, the brother and sister being the only surviving children of Sir Edward Boughton, Bart. of Lawford-Hall, in the county of Warwick.

At the time of his sister's marriage, Sir Theodosius Boughton was just entering into his seventeenth year,



CAPTAIN JOHN DONNELLAN.





and was a student at Eton, where Mr. and Mrs. Donellan paid him their nuptial visit, and soon after took up their residence at Bath. Although Captain Donellan possessed little or no fortune of his own, it has been already observed, that the match was approved of by the friends of the lady; to conciliate whom, the Captain not only settled the whole of his wife's actual fortune upon herself, but also every thing which she might afterwards become entitled to, either by inheritance or legacy. Such was the apparently happy commencement of an alliance which ended so disastrously. The arrival of Captain and Mrs. Donellan at Lawford-Hall, occurred in June, 1778, about a year after their marriage; and it appears they continued resident and domesticated there from that time until the sudden death of Sir Theodosius in 1780.

At Lawford-Hall, the influence of the Captain was very great. He was in the maturity of active life, that is, in his seven or eight and thirtieth year; while Lady Boughton was aged, and the baronet scarcely twenty at his death; his ascendancy will therefore not appear surprising. Other circumstances tended to give him this weight; Lady Boughton was not a very intellectual woman, and her ill-fated son appears to have been occupied entirely by his pleasures. The first visit Donellan paid to the youth was at Eton; he had then just completed his sixteenth year, and yet was under the care of a medical gentleman, for a complaint which it is unnecessary to name. From Eton he was removed to Northampton, and placed under the private tuition of a Mr. Jones; and it is proved that he was attended there for something similar. It further appears, that he indulged in the dangerous habit of prescribing for himself, and that he was continually taking physic; and lastly, he was again infected at the time of his death.

Such, with the addition of the unhappy Mrs. Donellan, was the family circle at Lawford-Hall; and if to the foregoing particulars it be added, that the latter was heir-at-law to the larger part of her brother's fortune, if he died without legitimate issue; and that the ostensible views of Captain Donellan were to take orders to enable him to enjoy the two livings in the gift of Sir Theodosius—the reader will be furnished with a tolera-

bly faithful outline of the relative situation of this family, when the fatal circumstance occurred, which threw it into so much confusion, and which is now to be described from the testimony of Lady Boughton, as delivered before the Coroner. This particular deposition it will be proper to give at large, as it was the deponent's *first* account of the melancholy transaction; and because in the subsequent trial she materially varied in her explanation of the identical fact which decided the fate of the accused.

“ Anna Maria Boughton, of Little Lawford, in the county of Warwick, widow, upon her oath, saith, That the deceased was her son; that for a considerable time before his death, he took various medicines which were sent to him from a Mr. Powell, a surgeon in Rugby, which sometimes occasioned the deceased to keep his room. That on the thirtieth of August last, this examinant went into his room to give him part of the medicines sent for him from the said Mr. Powell; and that about seven o'clock in the morning of the same day, this examinant, by the direction of the deceased, gave him the medicine contained in one of the phial bottles then standing upon the mantel-piece of the deceased; that she perceived, upon pouring it out into the bason to give to the deceased, a large quantity of powder or sediment at the bottom of the phial; that it had a *very offensive and nauseous smell*; that the deceased complained very much of the nauseousness of the medicine, and that he thought he should not be able to keep it upon his stomach; that there was a label upon the bottle, in which the medicine was contained, expressing the medicine to be the purging potion for Sir Theodosius Boughton. And this examinant saith, that she cannot tell whether there were any other bottles in the deceased's room containing the same medicine. That John Donellan, Esq. this examinant's son-in-law, *being informed by her of the situation the deceased was in, came up stairs to this examinant*; and after being informed by this examinant of the medicine she had given him, desired her to give him the bottle; and that he then *put water into the bottle, and poured it and the settling of the bottle out together*; put his finger into it, and informed this examinant it had a *nauseous taste*. And this examinant further saith, that the deceased, immediately after taking the medicine, seemed as if he was going into convulsions for a considerable time; but after that appearance had subsided, the deceased seemed as if he was going to sleep; upon which this examinant left the room, and returned back in the space of about five minutes, when she found the deceased with his eyes fixed, his teeth set, and the froth running out of his mouth; and that he expired in a few minutes afterwards. And this examinant further saith, that the composition or mixture contained in the bottle given by her to the deceased, *was something in colour to that produced and shewn to her by the said Mr. Powell*, at this the

time of her examination, but to the smell very different, to the best of this examinant's information and belief.

ANNA BOUGHTON."

One of the strongest circumstances attendant upon a death so alarming was the subsequent conduct of Lady Boughton: it would seem from her further deposition on the succeeding day, and on the trial, that the rinsing of the bottles by Captain Donellan struck her as exceedingly suspicious and improper, yet neither these suspicions, nor the suddenness of her son's death upon the swallowing of a medicine, induced her to take the arrangement of the funeral out of his hands, or even to interest herself to have any surgical or legal inspection of the body. In so calm a way, indeed, did this calamity pass over, that on the Saturday following the Wednesday on which it took place, the deceased was absolutely soldered up in his coffin.

Public attention, however, was excited; and poison being generally suspected, the report of these suspicions at length reached the ears of the assistant guardian, Sir William Wheeler, who wrote a polite note to Captain Donellan, informing him of the nature of the prevalent rumour, and of the necessity there was to do it away by a professional examination of the body. The reply of Captain Donellan was prompt and acquiescent; and he also expressed a wish, that Sir William Wheeler himself would attend. The three practitioners, with an assistant, however, arrived by themselves, and were informed by the Captain, that they were called upon to open the body of the deceased—"for the satisfaction of us all;" but he did not mention the suspicion of poison. It is remarkable that upon this intimation, the gentlemen, finding that owing to the putridity of the body, the operation would be attended with danger to themselves, declined it—on the ground, that in its then state, it would not determine the cause of the death; and Captain Donellan was blamed for not inducing them to operate, at all hazards, by resting on the suspicion of poison; or, in other words, on the suspicion that he was himself the murderer of his brother-in-law. Afterwards—in giving Sir William Wheeler an epistolary account of this visit, he left it ambiguous, whether the body had been opened or not;

but then, on the other hand, he requested one of the gentlemen himself to call on the baronet, who promised to do so, but did not.

On the next morning, Mr. Bucknill, a surgeon of Rugby, having heard that the former gentlemen had declined operating, called at Lawford Hall, and offered to take out the stomach at his own risk; but the Captain declined on the ground of unfairness to the other professional gentlemen, unless directly authorized by Sir W. Wheeler; and, in consequence, Mr. Bucknill went away. Of this visit Sir William heard, and wrote again, requesting that Mr. Bucknill and his own apothecary, Mr. Snow, might do what it was so desirable should be done; but owing to their professional engagements, the two gentlemen missed each other; Mr. Bucknill, who came first, was called away to a dying patient; and when he returned, Mr. Snow had arrived, and from a sense of danger, having declined opening the body, had departed. Captain Donellan, therefore, upon this, proceeded with the funeral, which took place the same day, between three and four o'clock.

In all these transactions, it is very remarkable that although the suspicion of poison could, and did, attach to Captain Donellan only, yet he was strangely permitted to arrange every proceeding which was to produce satisfaction, and that by the mother of the deceased, who was very early alarmed at his equivocal conduct.

But, although the interment was effected, when it became generally known that the body had not been opened, the minds of all orders of people were excited, and it was laudably insisted upon by the gentlemen of the neighbourhood, that the deceased should be taken up, the Coroner be called, and a surgical examination take place by course of law. This was done accordingly, and the depositions on the first day of examination were in substance as follows.

That of Lady Boughton has already been given.

Mr. Powell, the apothecary, who supplied the draught, the taking of which was followed by the death of Sir Theodosius, deposed, that it was a mixture consisting of jalap, rhubarb, spirits of lavender, simple syrup, and nutmeg water.

Sarah Steane, who laid out the deceased, simply stated

that to the time of the body being placed in the coffin, it appeared the same, in every respect, as any other corpse.

William and Samuel Frost, servants, deposed that the evening and morning preceding his death, the deceased appeared to them to be in good health and spirits.

Mr. Wilmer, a surgeon, one of the professional gentlemen who declined opening the body in the first instance, because its putridity rendered satisfaction from the operation hopeless, now deposed, that such had been his expressed opinion; and further, that being present at the opening of the body when disinterred, he found all the contents of the abdomen or lower belly, more or less inflamed, and putrid; the upper part of the intestinal canal more inflamed than the lower part; the texture of the kidneys destroyed, and the internal substance bloody, and of a red colour; the omentum or caul tender in its texture, and inflamed; the liver smaller than usual, and soft in its texture; the stomach much altered from its natural state, but not so much inflamed as the parts in its neighbourhood; that it contained somewhat less than an ounce of brown coloured thick fluid, which, when taken out and examined in a bason, discovered no grittiness, or any metallic particles; that the midriff was particularly inflamed; the lungs putrid and inflamed, and in some parts black, and on each side of the lungs, in the cavity of the thorax, or chest, was about a pint of extravasated blood in a fluid state. Mr. Wilmer further averred, that he had seen the mixture furnished by Mr. Powell, and that such draught or mixture could not at any time occasion the death of the deceased; and that, for the reasons before suggested by him, he was induced to believe that it was "*then impossible to tell what occasioned the deceased's death.*"

Doctor Rattray corroborated the whole of the above; but added, that he believed, from the deposition of Lady Boughton, that the medicine administered by her caused the death of her son.

Mr. Snow, a surgeon, merely confirmed the depositions of Mr. Wilmer and Doctor Rattray generally.

Mr. Bucknill deposed to the same purpose, with the additional confirmation of Doctor Rattray's opinion, as to the draught administered by Lady Boughton being the immediate cause of her son's death.

Lady Boughton declared, that when Captain Donellan was told of the effect of the medicine upon the deceased, he asked where the bottle was that had contained it; and, upon it being pointed out to him, he "swilled the bottle out with water, and threw the water and the medicine which was left at the bottom of the bottle *upon the ground.*" That, upon her expressing her surprise that he should do so, he said, that it was in order to taste it; but that he did not taste it, but proceeded to empty a second bottle, which stood upon the deceased's mantel-piece, but what was contained therein she knew not. That, after throwing away the contents of the second bottle, Captain Donellan ordered Sarah Blundell, who was then in the room, to take the same away; but that examinant objected to such removal, and desired the servant to leave them where they were; that Captain Donellan however still persisted in his orders; and she believed they were removed accordingly. Lady Boughton further observed, that upon her return home from the last examination, Captain Donellan, who had heard it taken, had expressed surprise and displeasure at her then deposing that he had rinsed the bottles, and told her that she was only obliged to answer such questions as should be asked. That she had heard Captain Donellan advise her son to keep his medicines in his first room, and not in an inner-room, which he kept locked; whereas any part of the family might have access to the former. Finally, she deposed that the circumstance of the said Captain Donellan's swilling the bottles, led her to suppose "*that some unfair dealings had been carried on respecting her son, and that he had died by the medicine she had given him.*"

The Coroner's Jury, brought in a verdict of Wilful Murder against Captain Donellan, and he was immediately committed for trial.

In consequence of the assizes having been recently concluded, Captain Donellan's trial did not come on until seven months after the alledged offence, during which interval his case became the constant subject of public discussion.

Mr. Powell, the apothecary, the first witness, proved, as before, the nature of the draughts sent by him to Sir Theodosius Boughton; and described him to have

been at the time slightly indisposed of a venereal complaint; and that he gave him nothing but cooling physic and an embrocation.

That when he reached Lawford Hall, in consequence of an express informing him of the dangerous state of Sir Theodosius, the latter had been dead an hour; that he met Captain Donellan in the court yard, who went with him to see the corpse, in which he observed nothing particular; that upon asking how the deceased died, the Captain replied in convulsions, but put no questions to him in return; and that the general intent of the prisoner seemed to be to promote an idea that Sir Theodosius had taken cold.

The evidence of Lady Boughton on the trial varied materially from both her depositions before the coroner. The general substance of her evidence, as affecting the prisoner at the bar, may be reduced to the following points:

That Mrs. Donellan would inherit 1200*l.* per annum by the death of Sir Theodosius.

That when Lady Boughton once talked of quitting Lawford Hall, the prisoner advised her not to do so, as her son was in a bad state of health, and she knew not what might happen—a prediction which her ladyship then understood to allude to the danger incurred by Sir Theodosius *in hunting*.

That her son was about to receive a week's visit from a Mr. Fonnereau, and to depart with him on a visit in return.

That one day Captain Donellan, in her hearing, advised Sir Theodosius to keep his medicines in his chamber, which was always open, rather than in an inner room, which was usually locked.

That Captain Donellan was absent from his wife and Lady Boughton on the evening when the medicines arrived, and accounted for his absence by saying, he had been to see Sir Theodosius fishing.

That upon Captain Donellan's coming into the room, and asking in what manner Sir Theodosius was taken ill, he was shewn the two draughts sent by Mr. Powell, the last of which had proved so fatal; that he took up one of them, and said, "is this it?" and upon being answered yes, poured some water out of a water-bottle

into the phial, shook it, and then emptied it out into some dirty water, which was in a wash-hand bason. That her ladyship observed to him, that he ought not to do so, but that he immediately snatched the other bottle, poured water into it, and shook it, and then put his finger to it and tasted it, saying, when remonstrated with upon the impropriety of meddling with the bottles, that he did it to taste the contents, but that he did not taste the rinsings of the first phial at all.

That the prisoner desired Sarah Blundell to take away the bason, the dirty things, and the bottles, and that he put the bottles into her hands; that her ladyship directed the servant to let the things alone, and took them from her; but that the prisoner, while her back was turned, gave the bottles to her again, as the said servant, who is since dead, informed her—That, previous to this second order, he had also directed that the room might be cleaned, and the clothes thrown into an inner room.

That, during the whole of the foregoing scene, Sir Theodosius was not entirely dead.

That, some time afterwards, when her ladyship went into the parlour, Captain Donellan observed to his wife, in her presence, that her mother had been pleased to take notice of his washing the bottles out, and that he did not know what he should have done, if he had not thought of saying he put the water into it to put his finger to it to taste it. That her ladyship turned away to the window without reply, upon which he repeated the foregoing observation, and rang for the coachman to prove the time of his going out that morning.

That, upon returning from the first examination before the coroner, Captain Donellan said to his wife, before her ladyship, that she (Lady Boughton) had no occasion to have mentioned his washing the bottle; and that she should only have answered the questions put to her.

Mary Lynes, the house-keeper, proved, that Captain Donellan frequently amused himself with distilling roses; and Francis Amos, gardener, that he had brought him a still, with wet lime in it, to clean, a few days after the young baronet's death.

William Croft, one of the coroner's jury, swore that

he saw the prisoner pull Lady Boughton by the sleeve when she first deposed that he had rinsed the phial.

Sir William Wheeler proved the tenor of his correspondence with Captain Donellan, relative to opening the body.

The three professional gentlemen who first attended to open the body, deposed, that they would have done so, at all events, had they been informed that poison was suspected; they also described the poisonous nature of laurel water, and proved that its effects upon animal life were similar to those of the draughts given to Sir Theodosius. They also gave a positive opinion that the deceased died by a poisonous draught administered by Lady Boughton, and that the appearance of the body was such as might follow the swallowing of a strong vegetable poison.

Doctors Ashe and Parsons, celebrated physicians, corroborated the opinions of the foregoing witnesses.

Mr. Bucknill, the surgeon who had volunteered to operate in the first instance, related his first and second visit to Lawford Hall, to open the body, as already detailed.

Such was the tenor of the evidence for the prosecution.

Mr. Powell, after proving the innocence of his own prescription, asserted, that the disorder of Sir Theodosius was slight, and that he gave him nothing but cooling physic and an embrocation.

This gentleman, though his answers in court seemed to confine his prescriptions to cooling physic and an embrocation, had administered boluses of calomel—and, in fact, treated a venereal patient as venereal patients are usually treated.

The principal fact deposed to by Lady Boughton, was the rinsing of the phials. The prisoner accounted for it, by saying, that when informed by Lady Boughton of what had happened, he asked her what she had given to her son, and where the bottle was, and, upon its being pointed out to him, took it and held it up to the light; and finding it apparently clean and dry, put a tea-spoonful of water into it, rinsed it well, and poured it into a small white bason then on the table, in order to taste it with his finger, which he did several times, and declared it very nauseous. That he also tasted

several more medicines, which stood on the mantel-piece, on which there were many phials, gallipots, &c. which smelt very offensively; and observing Lady Boughton begin to put the room in order, he told Sarah Blundell to help her ladyship, and particularly to remove a chamber-pan. That happening to stand near the chimney-piece, when she began to take away the phials, he very innocently handed some to her, &c.

The testimony of the three medical gentlemen proved, that they would have opened the body, at all risks, if they had been aware of the suspicion of poison. The same gentlemen, with Doctors Parsons and Ashe, believed, that the draught administered by Lady Boughton caused the death of her son.

Mr. JOHN HUNTER *sworn*; *Examined by Mr. NEWNHAM.*

Q. Have you heard the evidence that has been given by these gentlemen?—A. I have been present the whole time.

Q. Did you hear Lady Boughton's evidence?—A. I heard the whole.

Q. Did you attend to the symptoms her Ladyship described, as appearing upon Sir Theodosius Boughton, after the medicine was given him?—A. I did.

Q. Can any certain inference upon physical or chirurgical principles be drawn from those symptom, or from the appearances, externally or internally, of the body, to enable you, in your judgment, to decide that the death was occasioned by poison?—I was in London then; a gentleman who is in court waited upon me with a copy of the examination of Mr. Powell and Lady Boughton, and an account of the dissection, and the physical gentlemen's opinion upon that dissection.

Q. I don't wish to go into that—I put my question in a general way. A. The whole appearances upon the dissection explain nothing but putrefaction.

Q. You have been long in the habit of dissecting human subjects? I presume you have dissected more than any man in Europe?—A. I have dissected some thousands during these thirty-three years.

Q. Are those appearances you have heard described such, in your judgment, as are the result of putrefaction in dead subjects?—A. Entirely.

Q. Are the symptoms that appeared after the medicine was given, such as necessarily conclude that the person had taken poison?—A. Certainly not.

Q. If an apoplexy had come on, would not the symptoms have been nearly or somewhat similar?—A. Very much the same.

Q. Have you ever known or heard of a young subject dying of an apoplectic or epileptic fit?—A. Certainly; but with re-

gard to the apoplexy, not so frequent : young subjects will perhaps die more frequently of epilepsies than old ones ; children are dying every day from teething, which is a species of epilepsy arising from an irritation.

Q. Did you ever in your practice know an instance of laurel water being given to a human subject ?—A. No, never.

Q. Is any certain analogy to be drawn from the effects of any given species of poison upon an animal of the brute creation, to that it may have upon a human subject ?—A. As far as my experience goes, which is not a very confined one, because I have poisoned some thousands of animals, they are very near the same : opium, for instance, will poison a dog similar to a man ; arsenic will have very near the same effect upon a dog as it would have, I take it for granted, upon a man ; I know something of the effects of them, and I believe their operations will be nearly similar.

Q. Are there not many things which will kill animals almost instantaneously, that will have no detrimental or noxious effect upon a human subject ; spirits, for instance, occur to me ?—A. I apprehend a great deal depends upon the mode of experiment ; no man is fit to make one, but those who have made many, and paid considerable attention to all the circumstances that relate to experiments :—It is a common experiment, which, I believe, seldom fails, and it is in the mouth of every body, that a little brandy will kill a cat : I have made the experiment, and have killed several cats, but it is a false experiment ; in all those cases where it kills the cat, it kills the cat by getting into her lungs, not into her stomach ; because, if you convey the same quantity of brandy, or three times as much, into the stomach, in such a way as the lungs shall not be affected, the cat will not die. Now, in those experiments that are made by forcing an animal to drink, there are two operations going on ; one is a refusing the liquor by the animal—its kicking, and working with its throat, to refuse it ; the other is, a forcing the liquor upon the animal, and there are very few operations of that kind, but some of the liquor gets into the lungs ; I have known it from experience.

Q. If you had been called upon to dissect a body supposed to have died of poison, should you, or not, have thought it necessary to have pursued your search through the guts ?—A. Certainly.

Q. Do you not apprehend that you would have been more likely to receive information from thence than any other part of the frame ?—A. That is the tract of the poison, and I certainly should have followed that tract through.

Q. You have heard of the froth issuing from Sir Theodosius's mouth, a minute or two before he died ; is that peculiar to a man dying of poison, or is it not very common in many other complaints ?—A. I fancy it is a general effect, of people dying in what you may call health, in an apoplexy or epilepsy, in all sudden deaths, where the person was a moment before that in perfect health.

Q. Have you ever had an opportunity of seeing such appearances upon such subjects ?—A. Hundreds of times.

Q. Should you consider yourself bound, by such an appearance, to impute the death of a subject to poison?—A. No, certainly not; I should rather suspect an apoplexy, and I wish, in this case, the head had been opened to remove all doubts.

Q. If the head had been opened, do you apprehend all doubts would have been removed?—A. It would have been still farther removed; because, although the body was putrid so that one could not tell whether it was a recent inflammation, yet an apoplexy arises from an extravasation of blood in the brain, which would have laid in a coagulum. I apprehend, although the body was putrid, that would have been much more visible than the effect any poison could have had upon the stomach or intestines.

Q. Then, in your judgment upon the appearances the gentlemen have described, no inference can be drawn from thence, that Sir Theodosius Boughton died of poison?—A. Certainly not; it does not give the least suspicion.

The cross examination of this eminent surgeon admitted, that death following the taking of a draught was suspicious, but he wholly denied that it was necessarily caused by it; and asserted, that any symptom and appearance on opening the body of the deceased; or, as described by Lady Boughton, might be furnished by the epilepsy or apoplexy. As the father of Sir Theodosius died of the latter disorder, he was asked if it were likely to attack a thin young man, under a course of cooling physic; he answered, certainly not so likely; but that he had known two instances of young women dying of apoplexy.

The jury, at length, returned a verdict of wilful murder, and Donellan was sentenced to death.

He suffered, pursuant to this sentence, on the 1st of April, 1781, at Warwick; and he died with perfect resignation, and uttered solemn protestations of innocence to the last moments of his life. From papers left behind him for the purpose, a very elaborate and well written defence was composed, and published almost immediately after his death; it produced a great sensation at the time.

WILLIAM WYNNE RYLAND,

FOR FORGERY, 1783.

MR. RYLAND was a native of Wales; and there he experienced several acts of kindness from the late Sir Watkyn Williams Wynne. In consideration of a handsome premium, the celebrated Mr. Francis Ravenet, who then lived at Lambeth, took young Ryland as an apprentice, and in a short time discovered in him very extraordinary prognostics of future excellency. During his apprenticeship young Ryland engraved a head of Sir Watkyn Williams Wynne, which was esteemed a production of singular merit for so young an artist; and this was followed by many other juvenile performances, executed with uncommon taste, delicacy, and truth of expression.

Soon after the expiration of his apprenticeship, Mr. Ryland set out to visit the French and Italian schools. During the few years of his residence abroad, he pursued the study of his favourite art with unremitting assiduity and attention, and greatly improved himself in manual operation, by exercising his talents under the direction of the most celebrated artists. His motive was improvement rather than profit; but being master of so fine a genius, and of such vast powers of execution, he gained not only very distinguished professional celebrity, but also large pecuniary emoluments.

Upon the return of Mr. Ryland to England, he introduced the admired art of engraving copper-plates to yield an impression resembling drawings in chalk.

While Mr. Ryland remained abroad, the King made Mr. Strange an offer of the appointment of engraver to his Majesty, which honour being declined by that gentleman, it was conferred upon Mr. Ryland, together with a salary of two hundred pounds a year; and soon after, her Majesty was pleased to grant him an annual stipend of a hundred pounds from her privy purse, as a testimony of her approbation of his extraordinary talents.

The three first of Mr. Ryland's capital productions, after being honoured with the royal patronage, were, a whole length figure of the King, one of the Queen, and

another of Lord Bute, from the paintings of Ramsay. Mr. Ryland, in partnership with Mr. Bryer, opened a shop in Cornhill, where they carried on a very extensive trade in prints, the former still continuing to exercise his fine talents in the art of engraving. Though their business was productive of great profit, several capital losses occurring almost at the same time, the state of their pecuniary affairs became so disarranged and embarrassed, that a bankruptcy ensued. Some time after, Mr. Ryland, on his own account, opened a print-shop in the Strand, where he had every prospect of success; but being fond of a private life, he declined public business, and retired to Pimlico. From Pimlico he removed to Knightsbridge; and while he resided there, he committed that act which ruined his reputation as a man, though his name as an artist will ever be held in the highest estimation.

On Saturday, July 26, he was indicted for forging and uttering (knowing it to be forged) a certain bill of exchange for £210 sterling, purporting to be a bill drawn by the Gentlemen of the Factory at Fort St. George, in Madras, on the Honourable the East India Company, with an intention to defraud the said Company, and divers other persons, to whom he had passed the said bill. There were eight counts in the indictment.

Mr. Graham, as youngest counsel, opened the prosecution, and was followed by Mr. Rous, who said, that it would be proved to them, that in the year 1781, a Mr. Campbell received a bill from a relation of his in Madras, on the East India Company for £210. That some time after the bill was accepted, Mr. Campbell discounted it with a Mr. Munro, who passed it again; and that the bill having gone through divers hands, at length came into the possession of Mr. Ryland in May, 1782, where it remained till September, when he transferred it to others. This he said was the history of the true bill. But that nothing was known or heard of the forged one before the 4th of November following, when Mr. Ryland deposited five India bills (among which was the forged one) with a Mr. Moreland, a banker, as a counter-security for a sum of money he and his partners had advanced him on his own account. From thence it would appear, that both the forged and the

real bill were negociated by Mr. Ryland; who, on the forgery being discovered, immediately absconded.

Mr. Wilkinson, clerk to Mr. Moreland, the banker, swore that Mr. Ryland came to their house the 4th or 5th of November, 1782, with some India bills. That he deposited five of them with him as a collateral security for money, which had been given him on his own note. The bills, he said, were given to one of the partners, who put them in a tin box. On his cross-examination he said, he could not swear that the bill produced was one of the five that had been left with him; and he acknowledged also, that every body had access when they pleased to the tin box, in which the five bills were kept. He bore testimony also to the character of Mr. Ryland, which he declared was as good and as unexceptionable as any other man's in the kingdom.

Mr. Nightingale, a banker, proved, that he advanced Mr. Ryland on the 19th of September, 1782, 3,000*l.* on three bills, one of which was the real one, he knows it from the initials of his name on it. He declared, on his cross-examination, that he had the highest opinion of Mr. Ryland, and would have lent him the 3,000*l.* without any bill whatever.

Richard Freeman, cobbler, swore, that he lived at Stepney about the beginning of May last; that a Mr. Laurens about that time took a room from him for a person in a declining state of health, an acquaintance of his; and that the prisoner came and lived in it under the name of Jackson; that his wife brought him from the prisoner one of his shoes to get mended, in which ~~he~~ saw wrote the name of RYLAND, in consequence of which he gave information at the public office in Bow-street, in order that he might be apprehended, as he imagined that he was the same man who was advertised for having committed a forgery on the East India Company. His wife proved the bringing of the shoes down stairs from the prisoner to be mended.

Mr. Daly deposed, that he went to Stepney with the officers of Bow-street, to identify Ryland, as soon as Freeman had lodged the information that he was there; that on his first coming into the room he did not see the prisoner, but looking round it more narrowly, he perceived him on his knees in a corner of it, and heard

a noise like a guggling in his throat, which was occasioned by his having cut it. He had a razor in his hand, and a bason before him. Here the evidence for the prosecution closed.

Mr. Ryland was now called on for his defence, whereupon he handed over a writing which contained it, to be read by the clerk.

As soon as the court had heard it, Mr. Ryland's witnesses, who were merchants, bankers, and others of the first character in the city of London, appeared to testify as to his reputation and fortune, of both which they spoke in the highest terms. Many of them knew him for twenty years past, and some of them considered him to be so rich, and so honest a man, that they declared they would at any time have lent him thousands without either bond or note. At length, there were such numbers still pressing forward to give evidence of the goodness of his principles, and the little temptation such a man could have for the commission of the crime he was charged with, that both his counsel and the court thought it unnecessary for any more to appear. The point was firmly established.

Mr. Justice Buller then summed up the evidence both for and against the prosecution with great accuracy; after which he observed to the jury, that Mr. Ryland's defence deserved their most serious and particular consideration, as well on account of its manner as its good sense; that the prisoner had very judiciously laid down three grand points, without which being fully proved, it was impossible he could be found guilty.

1st. Whether the bill in question was a forged one?

2dly. Whether the prisoner uttered the bill, knowing it to be a forged one?

3dly. Whether the bill now in court is the very identical one that the prisoner negotiated?

The jury withdrew for about half an hour, and returned with their verdict of Guilty of uttering the bill knowing it to be forged. He behaved during the whole of the trial with the utmost composure, and did not for an instant discover the smallest uneasiness.

This ingenious and unhappy man was executed at Tyburn; and the place of execution being subsequently changed, it happened that he was the last victim of the laws who suffered at Tyburn.

CHARLES PRICE,
FOR FORGERY, 1783.

This singular impostor was descended from a clothes-salesman in Monmouth-street. His father placed him under the tuition of a French teacher, and, at that early period, he gave many proofs of those talents which afterwards rendered him so eminent. One day having stolen a strip of gold lace from the shop, he artfully dressed himself in his brother's clothes, and sold it to a Jew; in consequence of which, the robbery was afterwards fixed on the innocent youth, for which he suffered a severe flagellation. We cannot, however, progressively give a detail of all the villanies which are placed to the account of our hero, as some are not perfectly ascertained, and others are not sufficiently interesting. At the age of twenty-five, he had been a barker in Monmouth-street; servant to a hatter and hosier in St. James's-street; clerk to a city merchant, of extensive foreign connexions; and engaged in the same capacity to a diamond merchant in Amsterdam, whose daughter he debauched; and, lastly, manager to the gentleman who conducted his Majesty's small-beer brewery at Weovil, in Hampshire.

He was sometimes engaged in lottery-offices, and at others in advertising for wives with fortunes, and other qualifications, and thereby obtained considerable sums from unthinking youth. But this man was most successful in so disguising his person, as to deceive the most vigilant and discerning, insomuch that Mr. Price had been often employed to detect Mr. Patch, for in this latter habit he generally placed a black patch over one of his eyes. Thus altered in his appearance, he is said to have actually received money from the Bank Directors to discover himself. Having, under the name of Wilmot, paid Mr. Spilsbury for some medicines with a forged note, that gentleman one day related the circumstance at the Percy Coffee-house, in the presence of the culprit, who kept frequently crying out, "Lack-a-day! Good God! who could conceive such knavery exists! What, did the Bank refuse payment, Sir?"—"O yes," said Mr. Spilsbury, "and yet the bills were so inimit-

ably done, that the nicest judges could not distinguish them!"—"Good God! lack-a-day," said Price, "he must have been an ingenious villain! What a complete old scoundrel!"

Price had often been at the shop of a Mr. Roberts, grocer, in Oxford-street. He had occasionally bought a few articles there, and took many opportunities of shewing his importance. One day he called there in a hackney-coach, disguised as an old man, and made a few purchases. In a day or two afterwards he repeated his visit; and on a third day, when he knew Mr. Roberts was from home, he went again, with his face so painted that he seemed diseased with the yellow jaundice. The shopman, to whom he enumerated his complaints, gave him a prescription for that disorder, such as had cured his father. Price gladly accepted of the receipt, promising that if it succeeded, he would very liberally reward him for his civility. In a few days he called again, when he appeared perfectly free from the complaint, and acknowledged his great obligations to the shopman, to whom, after he had expatiated on his affluent circumstances, the short time he had to live in the world, and the few relations he had to leave any thing to, he made him a present of a ten-pound bank-note, which proved to be forged: but, at the same time, he said, that he wanted cash for another, which was a fifty-pound note, when the obliging shopman got change for it of an opposite neighbour. The next day, in Mr. Roberts's absence, he called again and intreated the lad to get five other fifty-pound notes changed for small ones; who telling him his master was not at home, Price begged that he would take them to his master's banker, and there get them changed. This request the servant complied with. The bankers, Harley, Burchall, and Co., complied with Mr. Roberts's supposed request, changed them without suspicion, and small notes were that day given for them to Mr. Price.

Having found out a fit object to practice his deceptions on, in the person of a Mr. E., an eminent merchant in the city, and having traced his connexions at Amsterdam, even so as to obtain a letter which came from a merchant there to Mr. E. he began his attack on that gentleman as follows. He accosted him on the 'Change

in another disguised character, and told him, that he had received a letter from a correspondent of their's at Amsterdam, whose name he mentioned, which informed him that a person of the name of Trevors, who frequented the 'Change, had defrauded the Dutch merchant of one thousand pounds, and that the latter requested Mr. E.'s assistance in the recovery of the whole, or any part of it, if he could get it. Having thus opened the business, he then produced the letter to Mr. E. who having read it, did not entertain the least suspicion but it was the hand-writing of his Amsterdam correspondent: he, therefore, offered his assistance most readily, in any plan that might be pursued to favour his Dutch friend. After thus paving the way, he began to advise Mr. E. how to manage the matter. "To-morrow," said Price, "Trevors most likely will be upon 'Change; he always frequents the Dutch walk, and is dressed in a red sur-tout, with a white wig; he has also square-toed shoes and very small buckles. Your best way will be to accost him, get into conversation with him, introduce mercantile affairs of Amsterdam, and by pretending that he can be of service to you, invite him home to dinner. You may then mention the business, shew him the letter, and inform him, that unless he refunds the whole, or part of the money, immediately, you will expose the matter to the merchants. By such a step you may, probably, procure a return of the greater part of the property, as he is rich, and has always cash or notes about him, and will rather pay than be exposed." Mr. E. highly approved of this plan, and was very much pleased with an opportunity of doing, as he thought, such an essential service to his Dutch friend. The next day Price appeared on the Dutch walk, in the dress he so minutely described the day before. Mr. E. followed the advice he had received; the result of which was, an invitation to dinner, and an acceptance on the part of our great man. When the cloth was removed, and the family retired from the table, Mr. E. begged to open to Mr. Trevors, in as delicate a manner as he could, the purpose of the invitation. Price acknowledged the charge in part, affected great remorse, declared his intention was to pay, begged he might not be exposed on the 'Change, and offered to pay five hundred

pounds down, if Mr. E. would bury the matter in oblivion. This being readily promised on Mr. E.'s part, Mr. Trevors then produced a thousand pound note, which he said he would give to Mr. E., if the latter would return to him the other moiety. Not having sufficient cash and notes in the house, Mr. E. gave him a draft for five hundred pounds on his banker, soon after which Price took his leave. The next morning Mr. E. discovered that the thousand pound note he had received was a forged one, and ran to the bankers to stop the payment of this draft; but unfortunately too late; for a porter, who seemed to have been followed by a tall thin woman into the banking-house, had obtained notes for the draft four hours before Mr. E.'s application to stop payment!

The depredations of this man on society, amounted, in the whole, to upwards of one hundred thousand pounds; and yet, before he hung himself in Tothill Fields-prison, he wrote a letter to a gentleman whom he had defrauded of more than two thousand pounds, recommending his wife and eight children to his protection. Price's disbursements must either have been great, or the imprudence of his female coadjutor excessive; for at her lodgings were fixed all the apparatus for manufacturing the paper, and printing bank-notes, the plates for which were also engraved by this ingenious villain. Being thus paper-maker, engraver, printer, and circulator, it is not surprising that he remained undetected to the age of fifty-five; six years of which were passed in hostilities against the Bank Directors.

CHARLES BEMBRIDGE, Esq.

FOR EMBEZZLEMENT, 1783.

ON Friday, July 18, 1783, an information filed against Mr. Charles Bembridge (late Accountant of the Pay Office), by his Majesty's Attorney General, charging the said Mr. Bembridge with neglect of duty, in having connived at the concealment of certain items in the account chargeable to the late Lord Holland (as Paymaster General of his Majesty's Land Forces) to the amount

of forty-eight thousand seven hundred and nine pounds ten shillings and a fraction, came on to be tried before the Earl of Mansfield, and a Special Jury, in the Court of King's Bench, in Westminster Hall.

Mr. Hughes, and another gentleman from the office of the auditor of the imprest were sworn, to establish the custom of passing the accounts of paymasters general, as well those in office, as ex-paymasters. They gave the court a detail of the circumstances attending the passing of Lord Holland's accounts, mentioning when the accounts began to be passed, and at what time they were sent from the pay office to the auditor's office, as well as that it was customary upon any doubt arising in that office, on the examination of the accounts, to refer queries of all such doubts to the accountant of the pay office for answers, solutions, and explanations. They stated, that two errors had been discovered after what was called the final balance was pencilled to the bottom of the accounts, and that the accounts were sent to the pay office, to have those errors rectified. That it was then understood the books were to go from the auditor's office to the lords commissioners of the treasury, and that the books came back from the pay office to the office of the auditor of the imprest, where they lay eight or nine days, before it was discovered, that above the two items, which had been erroneously omitted, as above-mentioned, entries had been made of other items to the amount of £48,709. 10s. This discovery was stated to have been made in and about Oct. 1782, and the items were proved to consist of monies chargeable to Lord Holland's accounts between the years 1757 and 1765.

A warrant for the payment of certain sums for fees on passing the accounts of Lord Holland was produced, and it was proved that Mr. Bembridge had claimed and received £2600 of those sums as his due for stating and examining the said accounts.

Mr. Rose, of the treasury, proved the examination of Mr. Bembridge before the lords of the treasury, when the board, on receiving intimation from Lord Sondes, the auditor of the imprest, that a discovery had been made of the entry of the items amounting to £48,709. 10s. under the circumstances before stated, thought it necessary to call Mr. Bembridge and the late Mr. Powell

before them. It appeared, that Mr. Bembridge then avowed, that he had not recently discovered that the 48,709*l.* 10*s.* had been omitted in the former accounts of Lord Holland, but that he was perfectly apprised of the omission all the time.

After the witnesses in support of the information had been all examined and cross-examined, Mr. Bearcroft rose as counsel for Mr. Bembridge, and made a long address to the jury in his favour. Mr. Bearcroft admitted the facts charged, but denied that his client had been guilty of any crime, described by the law of England as it now stood.

The first witness called on the part of the defence was Mr. Bangham, who said he had been in the pay-office upwards of thirty years, and gave an account of the duties of the accountant, which he described as most important and considerable. Mr. Bangham declared, he did not conceive it to be the duty of the accountant to examine and state the accounts of ex-paymasters. He assigned his reasons for entertaining this opinion, and stated the case of an ex-paymaster's accounts having been examined and passed by other persons, than the accountant, in his memory.

Lord North, Lord Sidney, Mr. Rigby, Mr. Burke, Mr. Caswell, and Mr. Champion (who had all been paymasters general, or deputy paymasters), were severally sworn, and each gave Mr. Bembridge the highest character as a most honest, active, and able, officer. Mr. Burke expatiated for some time on Mr. Bembridge's great merit, and said, it was owing to that officer's integrity, diligence, and ability, that his reform of the pay office had been carried into effect, and that he had been enabled to do the public the service he trusted he had done them.

Lord Mansfield informed the jury, that the whole of the case resolved itself into two propositions, on their being satisfied of the truth of which, depended entirely the verdict they were to give. The first proposition was: That it was the duty of the accountant of the pay office to examine and state the accounts of ex-paymasters, as well as paymasters in office. The second proposition was: That the defendant being bound in duty to examine and pass the accounts of the late Lord Hol-

land, had wilfully, corruptly, and fraudulently, connived at the concealment of the £48,709. 10s. and a fraction, as stated in the information. These, his lordship, said, were the facts for the jury to pronounce upon, and upon which they necessarily must ground their verdict; but they must be satisfied in the truth of both the propositions, before they could pronounce the defendant Guilty; that was, they must not only be satisfied that it was the duty of the accountant to examine and pass ex-paymasters' accounts, but that Mr. Bembridge, in the case in question, had connived at the concealment wilfully, corruptly, and fraudulently. His lordship after this stated the principal evidence on the part of the prosecution, and the evidence that had been set up to controvert it. He particularly mentioned Mr. Bembridge's examination before the commissioners of accounts, in which he had himself stated, that it was his duty to examine ex-paymasters' accounts, and also the warrant, from whence it appeared that Mr. Bembridge had received £2,600 for duty of this kind. He next mentioned the evidence of Mr. Bangham, Mr. Craufurd, and Mr. Lamb, which went in favour of Mr. Bembridge.

After having with great accuracy and candour reminded the jury of the leading parts of the whole of the evidence, his lordship said, he had no difficulty in declaring, that as to the point of the law, he had not the smallest particle of a doubt, but that any person holding a public office under the king's letters patent, or derivately from such authority, was amenable to the law for every part of his conduct, and obnoxious to punishment, in case he was convicted of not having faithfully discharged his duty. In the present case, however, the facts were what the jury were to pronounce upon; and if they were satisfied, that Mr. Bembridge had acted with a sinister view, or to answer any sinister purpose, they must give a verdict for the crown; if they were not so satisfied, they must acquit the defendant.

The jury went out of court, but returned in less than a quarter of an hour, finding the defendant — *Guilty*.

Mr. Justice Willes pronounced the judgment of the court,—"That he should be fined in the sum of two thousand six hundred pounds, and be confined in his Majesty's Court of King's Bench for six months."

THE REVEREND WILLIAM DAVIES SHIPLEY, DEAN OF ST. ASAPH.

FOR A LIBEL.

ON Friday, the 6th of August, 1784, this trial came on, at the assize at Shrewsbury, before the Hon. Mr. Justice Buller.

The indictment was laid for the publishing a libel, entitled, "The Principles of Government, in a Dialogue between a Gentleman and a Farmer." This dialogue was written by Sir William Jones, one of the judges of the Supreme Court of Judicature in Bengal. The Dean had caused it to be reprinted and circulated in his neighbourhood, proofs of which were given.

After hearing counsel on both sides, Mr. Justice Buller addressed the jury:

"Now, gentlemen, this is the whole of the evidence that has been given on the one side and the other. As for the several witnesses who have been called to give Mr. Shipley the character of a quiet and peaceable man, not disposed to stir up sedition, that cannot govern the present question; for the question for you to decide is, whether he is, or is not, guilty of publishing this pamphlet?

"You have heard a great deal said, which really does not belong to the case, and a part of it has embarrassed me a good deal in what manner to treat it. I cannot subscribe to a great deal that I have heard from the defendant's counsel; but I do readily admit the truth of that proposition which he stated, from Mr. Locke, that "wherever the law ends, tyranny begins." The question then is, what is the law, as applicable to this business? and to narrow it still more, what is the law in this stage of the business?—You have been pressed very much by the counsel, and so have I also, to give an opinion upon the question, whether this pamphlet is or is not a libel? Gentlemen, it is my happiness that I find the law so well and so fully settled, that it is impossible for any man who means well to doubt about it; and the counsel for the defendant was so conscious what the law was, that he himself stated what he knew must be the answer which he would receive from me, that is, that the matter appears upon the record—and as such, it is not for me, a single judge, sitting here at *Nisi Prius*, to say whether it is or is not a libel. Those who adopt the contrary doctrine, forget a little to what lengths it would go; for, if that were to be allowed, the obvious consequence would be what was stated by the counsel in reply, namely, that you deprive the subject of that which is one of his dearest birthrights: you deprive him of his appeal—you deprive him of his writ of error;

for if I was to give an opinion here that it was not a libel, and you adopted that, the matter is closed for ever. The law acts equally and justly, as the pamphlet states—it is equal between the prosecutor and the defendant; and whatever appears upon the record is not for our decision here, but may be the subject of future consideration in the court out of which the record comes; and afterwards, if either party thinks fit, they have a right to carry it to the dernier resort, the House of Lords. The law is the same in both criminal and civil cases, and there is not a gentleman round this table who does not know that is the constant and uniform answer which is given in such cases.

“ You have been addressed by the quotation of a great many cases upon libels. It seems to me, that the question is so well settled, that gentlemen should not agitate it again; or at least, when they do agitate it, it should be done by stating fairly and fully what has passed on all sides, not by stating a passage or two from a particular case, that may be twisted to the purpose that they want it to answer. And how this doctrine ever comes to be now seriously contended for, is a matter of some astonishment to me; for I do not know any one question in the law which is more thoroughly established than that is. I know it is not the language of a particular set or party of men, because the very last case that has ever arisen upon a libel, was conducted by a very respectable and a very honourable man (Mr. Lee), who is as warm a partisan as the counsel for the defendant, and, I believe, of what is called the same party. But he stated the case in few words, which I certainly adopted afterwards, and which, I believe, no man ever doubted about the propriety of. That case arose, not three weeks ago, at Guildhall, upon a question on a libel; and in stating the plaintiff's case, he told the jury that there could be but three questions.

“ The First is, Whether the defendant is guilty of publishing the libel?

“ The Second, Whether the innuendos or the averments made upon the records are true?

“ The Third, which is a question of law, Whether it is, or is not a libel? Therefore, said he, the two first are the only questions you have to consider: and this, added he, very rightly, is clear and undoubted law. It has been so held for considerably more than a century past. It is admitted by the counsel, that upon great consideration, it has been so held in one of the cases he mentioned, by a noble lord who has presided for many years, with very distinguished honour, in the first court of criminal justice in this country; and it is worthy of observation how that case came on. For twenty-eight years past (during which time we have had a vast number of prosecutions in different shapes for libels) the uniform and invariable conduct of that noble judge has been, to state the questions as I have just stated them to you; and though the cases have been defended by counsel not likely to yield much, yet that point was never found fault with by them; and often as it has been enforced by the court, they never have attempted yet by any application to set it aside. At last it came

on in this way; the noble judge himself brought it on, by stating to the court what his directions had always been, with a desire to know, whether in their opinions, the direction was right or wrong? The court were unanimously of opinion that it was right, and that the law bore no question or dispute.—It is admitted by the counsel likewise, that in the time that my Lord Chief-Justice Lee presided in the Court of King's Bench, the same doctrine was laid down as clear and established. There was not a sounder lawyer or an honest man, that ever sat on the bench, than he was. But if we trace the question further back, it will be found, that about the year 1731 (which, I suppose, has not escaped the diligence of the counsel) another chief justice held the same doctrine, and in terms which are more observable than those in most of the other cases, because they shew pretty clearly when it was that this idea was first broached—That was, an information against one Franklin (I think) for publishing a libel called *The Craftsman*. The then chief justice stated the three questions to the jury in the same way I mentioned. He said, The first is the fact of publication; secondly, Whether the averments in the information are true or not; and thirdly, Whether it is a libel. He says there are but two of these questions for your consideration;—the third is merely a question of law, with which you, the jury, have nothing to do, as has *now of late* been thought by some people, who ought to know better; but, says he, we must always take care to distinguish between matters of law and matters of fact, and they are not to be confounded.

“What is the mode of administering justice in this country?—The judges are appointed to decide the law, the juries to decide the fact.—How?—Both under the solemn obligation of an oath. The judges are sworn to administer the law faithfully and truly. The jury are not so sworn, but to give a true verdict *according to the evidence*. Was it ever yet attempted to give evidence of what the law was?—If it were done in one instance, it must hold in all. Suppose a jury should say, that which is stated upon record is high treason or murder; if the facts charged upon the record are not so, it is the duty of the court to look into the record, and they are bound by their oaths to discharge the defendant. The consequence, if it were not so, would be, that a man would be liable to be hanged, who had offended against no law at all. It is upon the facts, as found by the jury, that the court are to say, whether it is any offence or not. It would undoubtedly hold in civil cases as well as criminal; and as the counsel for the prosecution has said in reply, by the same reason in the case of an ejectment, you might decide contrary to the law. But was it ever supposed, that a jury was competent to say what is the operation of a fine, or a recovery, or a warranty, which are mere questions of law?—Therefore I can only say, that if you are satisfied the defendant did publish this pamphlet, and are satisfied as to the truth of the inuendos in point of law, you ought to find him guilty. If you are not satisfied of that, you will acquit him.”

The jury withdrew to consider of their verdict. When

they returned again into court, the Foreman said, "They found the defendant *Guilty of publishing only*."

Mr. Justice Buller. That verdict is not quite correct. You, gentlemen of the jury, must explain one way or the other, whether you find the meaning of the inuendos. The indictment has stated, that G. means Gentleman. F. Farmer. The King, the King of Great Britain—and the Parliament, the Parliament of Great Britain.—Do you find him guilty?

One of the jury. Yes, we find him guilty of that.

Mr. Erskine. They find the defendant guilty of publishing *only*.

One of the jury. We don't say any thing to judge of the libel, we only find him guilty of publishing.

Mr. Erskine. I beg your lordship's pardon, I am sure I mean nothing that is irregular: I understand the jury said, they only found that the dean published it.

One of the jury. Yes.

Mr. Erskine. They only find that the dean published this pamphlet.

Mr. Broderick. They have not found that it is a libel of and concerning the king and his government.

Mr. Justice Buller. I asked them whether they were satisfied that the King, meant the King of Great Britain, whether the letter G. meant Gentleman, and the letter F. meant Farmer: they say they are satisfied. Is there any other inuendo in the indictment?

Mr. Erskine. When the jury came in, they gave the very verdict, that was given in the case of the King against Woodfall; they said, Guilty of publishing only. Gentlemen of the jury, do you mean that the word *only* shall stand part of your verdict?

One of the jury. Certainly.

Mr. Justice Buller. Gentlemen, if you add the word *only*, it will be negating, or at least not finding the truth of the inuendos; that I understood you did not mean to do.

Mr. Erskine. That has the effect of a general verdict of guilty.—I desire your lordship, sitting here as judge, to record the verdict as given by the jury; if the jury depart from the word *only*, they alter their verdict.

Mr. Justice Buller. I will take their verdict as they

mean to give it; it shall not be altered. Gentlemen, do you mean to find him guilty of publishing the libel?

One of the jury. Of publishing the pamphlet; we don't decide upon its being a libel or not.

Mr. Justice Buller. And that the meaning of the inuendos is as stated in the indictment?

One of the jury. Yes, certainly.

Mr. Erskine. Would you have the word *only* recorded?

One of the jury. Yes.

Mr. Erskine. Then I insist that it shall be recorded.

Mr. Justice Buller. Mr. Erskine, sit down, or I shall be obliged to interpose in some other way.

Mr. Erskine. Your lordship may interpose in what manner you think fit.

Mr. Justice Buller. Gentlemen, if you say guilty of publishing *only*, the consequence is, that you negative the meaning of the particular words I have mentioned—that is the operation of the word *only*. In effect, you would give a verdict in words contrary to what you mean.

One of the jury. How will it operate?

Mr. Justice Buller. If you say nothing more, but find him guilty of publishing, the question of law is open upon the record, and they have a right to apply first to the Court of King's Bench to arrest the judgment; and if they are not satisfied with the opinion of that court, either party has a right to go to the House of Lords, and you find nothing more by that verdict but the simple fact; but if you find him guilty of publishing *only*, that verdict will not include the inuendos on the record.

One of the jury. That is admitted.

Mr. Erskine. I desire to ask your lordship this question in the hearing of the jury, Whether, if they find the verdict guilty of publishing, leaving out the word *only*, and on my application to arrest the judgment, the judgment shall not be arrested, but entered up in the King's Bench; whether the sedition does not stand recorded?

Mr. Justice Buller. No, it does not, unless the pamphlet be a libel in point of law.

Mr. Erskine. True. But can I say that the defendant

did not publish it seditiously, if judgment is not arrested, but is entered in the record?

Mr. Justice Buller. Gentlemen, this is my satisfaction. If in what I am saying to you I am wrong in any instance, they have a right to have a new trial directly for asking. But I must tell you the law is this: if you find the defendant guilty of publishing, without saying any more, the question of libel or not is open to the consideration of the court; but if you say he is guilty of publishing *only*, it is an incomplete verdict.

One of the jury. We certainly mean to leave the question of libel or not to the consideration of the court.

Mr. Erskine. Do you find the sedition?

One of the jury. We give no verdict upon it.

Mr. Justice Buller. When you understand your verdict yourselves, I will take it in the manner you state it. If you say guilty of publishing *only*, there must be another trial, because the verdict will be imperfect.

One of the jury. No, we did not say that; we put the word *only* first—Guilty *only* of publishing.

Mr. Erskine. I desire, with great submission, the jury having said Guilty *only* of publishing, that it may so be recorded.

Mr. Justice Buller. Whether you say guilty *only* of publishing, or guilty of publishing *only*, that amounts to the same thing. You may say this, "Guilty of publishing; but whether it is a libel or not, you don't know," if that is your intention.

One of the jury. That is our intention.

Mr. Justice Buller. Do you give your verdict in this way, "Guilty of publishing; but whether it is a libel or not, the jury don't know?"

One of the jury. We don't find it a libel, my lord; we do not decide upon it.

Mr. Erskine. They find it no libel.

Mr. Justice Buller. See what is attempted to be done.

Mr. Erskine. There is no improper attempt upon my part. I ask this of your lordship, and desire an answer, as a judge, whether or no, if, when I come to move in arrest of judgment, and the court should enter up judgment, saying, that it is a libel, whether I can afterwards say, in mitigation of punishment, that the defendant did not publish it seditiously, when he is found guilty of

publishing it in manner and form as stated? Therefore, the jury are made to find a man guilty of sedition, when in the same moment they say they did not mean so to do. Gentlemen, do you find the dean guilty of sedition?

One of the jury. We neither find the one nor the other.

Mr. Price (Associate). Do you say "Guilty of publishing; but whether a libel or not, you do not find?"

Mr. Justice Buller. Is that your meaning?

One of the jury. It is our meaning.

Mr. Bearcroft. All you mean is to leave the law where it is?

One of the jury. That is all our meaning.

Mr. Justice Buller. The intention of the jury was from the first as clear as it could be, only they wanted to confound it.

The Associate recorded the verdict—"Guilty of publishing; but whether a libel or not, the jury do not find."

On the 15th Nov., Mr. Erskine moved in the court of King's Bench for a new trial; grounding his motion on the plea, that the judge had misdirected the jury; and that there had been no evidence to shew a seditious intention. This point having been ably argued by the counsel on both sides (particularly by Mr. Bearcroft, who contended, that for a series of time, the spirit of every adjudication was, that the question "libel or no libel," was a question of law), the court deferred pronouncing judgment till next day, when they were all unanimous in refusing to grant a new trial.

Lord Mansfield entered into a discussion of the nature, tendency, and occasion of the motion in which the present proceedings of the court originated. It supposed, either that the learned judge, who conducted the trial at Shrewsbury, had misdirected the jury, or not laid the question completely before them. If the verdict then given was not perfect, the matter required a fresh investigation. If the judge stepped out of the province prescribed for him by the constitution, the rights of the jury were violated, and they had their redress; and his lordship joined issue with the counsel for the defendant in this, that the judge did not leave the evidence of a lawful excuse as a ground of exculpation. The matter in litigation, in every prosecution for a libel, contained two questions, the one of law, the other of fact. The jury, in all such cases, ought to find whether the fact charged existed; or whether the allegation on which the trial

proceeded, was true. This, every one would see, was a question of fact; but whether this specific fact came under the legal definition of a libel, was undoubtedly and obviously a question of law. However, by means of a general, in place of a special verdict, the jury might blend law and fact together. It was their business to give the meaning of their verdict, which could have none but as understood and asserted.

This his lordship had always understood to be the law as it stood with respect to juries. The constitution, with infinite attention to the rights both of the governors and governed, had deposited this trust where it was least liable to be abused. Therefore in all litigations of this kind, to the parties with whom the decision rested, independent and distinct jurisdictions were assigned. It was not the right of the jury to decide the question of law, nor that of the judge to decide the question of fact. But it was the duty and the prerogative to separate the question of law from that of fact, and to direct their judgment accordingly. This left the question of law in all such cases open to the court, who alone were invested with the proper authority for deciding it. Consequently in matters libellous, a general verdict, that the person charged is guilty or not guilty, was equal to a special verdict in other cases. As to the intention, his Lordship did not consider it as essential in the matter at issue. A criminal one was certainly to be gathered from circumstances and an inference of law.

His lordship was happy to find his opinions corroborated by the constant practice of all the courts since the Revolution. Wherever a trial of this kind had taken place, the judges had uniformly held the same language to the juries. This was incontestibly the case where such trials had made a noise, or been warped by party altercation, or had involved any constitutional topic about which the public were not agreed. Trials of this complexion, however, were few in comparison. No notes were ever taken, nor of consequence any reports made, where nothing was disputed. The judge's direction to the jury was then unheeded. He therefore thought it fair to conclude, that a doctrine which had been established by so long a time, and on every occasion which had interested the attention of the public, must also have prevailed when it did not.—On the whole, he thought Mr. Justice Buller had delivered the opinion of all his predecessors with unexceptionable accuracy; he was therefore against granting a new trial.

Mr. Justice Willes went into a large field of legal distinction, in which he defined with precision the peculiar duties by which the respective stations of judge and jury were distinguished by the constitution. The present, however, was a case in which he was peculiarly happy to admit the doctrine in its full extent; he therefore agreed in giving his judgment against a new trial.

Mr. Justice Ashurst went over the objections to which the attention of the court and the bar had been fixed by the counsel for the prosecution. A man's intentions, he said, could only be known from what he did, as action was the only safe interpreter

of principle; and there were but few cases in which the most positive declaration would avail in opposition to a sense thus established. He did not therefore think this objection, which supposed a defect in Mr. Justice Buller's statement to the jury, sufficiently established: still less was he of opinion that any misdirection had actually taken place. He was therefore against granting a new trial.

On Monday the 22d, Mr. Erskine grounded a motion in arrest of judgment upon two reasons:

First, That even if the publication was libellous, the verdict was not sufficient to warrant judgment; Secondly, That the publication was not libellous.

He desired the record to be read, which was complied with, and it appeared that the verdict had not been entered up according to the words delivered in court.

Mr. Erskine argued the point with his usual ability quoting a variety of cases from the books.

Mr. Bearcroft, on the part of the prosecution, would not controvert the principles laid down by Mr. Erskine. They were all well founded; but he thought the charge of criminality also well founded, for the libel was well understood by every man. It needed no inuendo to support its meaning. It was written of the present king and government. If a part were a libel, it was sufficient to obtain judgment, or if the extrinsic parts were seditious. The whole publication related to the king and government, and therefore did not require any express averment.

Lord Mansfield.—His Lordship thought the verdict properly entered on the record, and stated the case of the King and Williams, wherein the jury found the defendant 'guilty of printing and publishing the North Briton, No. 45, but the clerk entered it up *guilty*, and no exception was taken. On the King and Gibson, the verdict was amended from the minutes of the judge. It was clear, his lordship said, that the jury, in the present case, meant not to decide on the matter published being a libel, they left that to the court, and therefore he thought the verdict as it stood was proper.

The libel complained of, he observed, was not a defamatory libel, either on government or any individual; it was not defamatory of the king or any officer under him; but yet it was seditious, perhaps treasonable, as it excited the people to dissension. It incited them to petition for a reform in parliament, under pretence of rights taken from them. It excited to resistance in case such a petition was rejected. What did it excite them to do? It said, you are to arm, not when the danger comes, but now.

His lordship said, there should have been averments in the indictment; for the criminality did not consist in what might have happened in the days of Adam, but in its application to the present times, and that application should have appeared upon the record, though it was understood by every body.

Mr. Justice Willes, Mr. Justice Ashurst, and Mr. Justice Buller, concurred, and the court ordered judgment to be arrested.

In consequence of the above judgment, the whole of the proceedings against the Dean of St. Asaph were set aside.

CAPTAIN M'KENZIE, FOR MURDER, 1784.

Captain M'Kenzie was lieutenant of an independent company in the island of Guernsey in the year 1778, and, on the French fleet appearing off that coast, in the course of the summer, behaved with such uncommon activity, and shewed such a laudable attention to the defence of that important place, that, previous to his embarking for England, he received the thanks of the principal inhabitants on the public parade, and many other tokens of their friendship and esteem. He was a native of the Highlands, and had been in the military line from twelve years of age. His character was that of a martinet (a rigid disciplinarian), too obstinate in his determinations, but vigilant, active, and undaunted.

He was charged with the murder of Kenneth Murray M'Kenzie, one of the soldiers under his command, at the fort of Moree, upon the coast of Africa, on the 4th of August, 1782, and was tried Dec. 4, 1784, before Mr. Justice Willes, Baron Hotham, and other commissioners, appointed by virtue of an act of the 33d of Henry VIII.

John Mortimer, a private belonging to Captain M'Kenzie's company; of which the following is the substance: the witness knew the deceased at Fort Moree, five miles from Cape Coast; he was a prisoner at large in the fort (having twice deserted); the deceased had previously acted as adjutant; the witness had heard there had been a quarrel between him and Captain M'Kenzie. On a Saturday morning, he was suffered by

the centinel to escape: he heard the prisoner say, Go fetch that old rascal Brooks, I will flog him to death. Serjeant Andrews, himself, and two other soldiers, were sent in search of him: they went no farther than a mile or two beyond Cape Coast, fearing they might be taken prisoners; could not find the deceased, when they returned, and reported it to the prisoner, who immediately said, he must be in the Black Town. He immediately ordered two six-pounders to be loaded, and fired upon the town; after the firing, the black inhabitants, some of them run out of town, others came to the back of the fort; to know the reason of this sudden alarm.—Alderman Watson. Were they loaded with shot? Yes; he saw the mark left in one of the houses. Next morning, at five o'clock, heard a great noise; and, looking over the wall, saw the deceased, with at least three thousand blacks, coming to the fort. This was of a Sunday morning. The deceased was brought into the fort, and the prisoner bid Serjeant Copeland to tell the deceased he had not an hour to live.

The prisoner ordered two sponges and a worm to be lashed to the embrasures, and ordered a gun to be hauled in. As they could not get ropes, they cut the halcyards of the colours into three pieces. Copeland was directed to fetch Murray M'Kenzie from the blacks: as he was coming, he said, "Am I to be shot? let me be shot like a man, and not like a dog." He then put on his grenadier's coat. He was brought to the battlements, and desired to speak to the captain, who would not hear a word, but said the deceased was a traitor to his king and country. The prisoner bid the soldiers do their duty; they brought the deceased to the gun, tied his hands with one piece of the rope, and his two legs, with the other two pieces, to the gun; his hands were then stretched out across the sponge and worm. The captain ordered the soldiers to fetch a cap; but there being none, the captain went and fetched his own. Whilst they were putting it on, the deceased said to Serjeant Copeland, "For God's sake, beg for a half of an hour to say my prayers." It was refused; but a little time was given, when they read part of the funeral service and the Lord's prayer. Plunkett, a soldier, was directed to stand to the gun with a lighted stick. The

deceased then said, "Oh, tyrant, tyrant! you are going to have your will of me, which you have wanted many a long day." The cap was then pulled over his eyes, when he said, "For God's sake, have mercy upon me; good bye to you all, comrades, and God bless you all." He added, "Remember my last syllable; I went down to the black fellow at the gate, to get a little brandy; I drank it, went down to the garden to take a walk, having been so long confined; I sat down and fell fast asleep; when I woke, at dusk, and was coming to the fort, the blacks surrounded me, confined me all night, and surrendered me. I had not the least intent to desert, no more than I have to eat or drink this moment." The prisoner waved his hand as a signal, Plunkett touched the gun with the lighted stick, and the deceased was blown over the wall. The men picked up his remains; the head and shoulders, with the heart, &c. and buried them. This being the whole purport of the evidence, corroborated by all the witnesses for the prosecution, it is needless to report the other parts delivered by Cooper, Brookes, and Serjeant Copeland.

After the evidence was gone through (in the course of which the prisoner, Captain M'Kenzie, made many very pertinent and sensible remarks), he was called upon for his defence, which partly arose out of the evidence for the prosecution. It was couched in this way; that the deceased had been a felon convict taken in the African corps, that he had deserted twice, and was plotting the death of the captain, his commander, and to surrender the fort to the Dutch. The convicts in the party under his command, were in the proportion of sixteen convicts to five volunteers.

It was very fully proved that there was a strong idea of a conspiracy, and that the deceased had been heard to declare to the other convicts, "Now is the time, let us do him out and out." The captain had likewise said, a day or two after the execution, "My lads, if I had not done as I did, we should all have been destroyed ere this."

Mr. Daniel Monro's testimony went further; he said that Cooper told him, about four months after the affair (the witness sitting upon the identical gun), that the deceased had said in his hearing, in company with other convict soldiers, "Damn him, I have a pistol;" "and if

that won't do," answered Serjeant Andrews, "I have a sword." Monro swore that Cooper asserted to him, that he informed the prisoner of his danger. But Cooper being confronted with Monro, he denied the assertion.—General Townsend and Captain Lane, gave the prisoner a good character.

Judge Willes summed up the evidence, and observed the prisoner was not justified by the martial law. He should have tried him by a court martial, at least called upon him for a defence, particularly as it was proved there were places of safety, both at fort Moree and Cape Coast, where the prisoner might have been secured. But as to the justification of the act being necessary for self preservation, that he left with the jury.

The trial lasted from ten in the forenoon until six in the evening, when the jury, after being out above two hours, returned their verdict Guilty, but with recommendations to his majesty's mercy. He received sentence to be executed on Monday; but was respited.

COMTE DE CAGLIOSTRO,

A NOTED IMPOSTOR AND SWINDLER, AT PARIS, 1786.

We copy this account from his own memoirs.

As to the place of my nativity, or who were the parents who gave me birth, I cannot speak positively, From a variety of circumstances, I have entertained some doubts, and the reader will probably join in my suspicions on that head. But I repeat it, that all my researches have only tended to give me some exalted, but at the same time vague and uncertain notions concerning my family.

My infant years were passed in the city of Medina, in Arabia, where I was brought up by the name of Acharat, which name I have constantly borne during my travels in Africa and Asia. I had apartments in the palace of the Mufti Salahaym. I perfectly recollect that I had four persons immediately about me; a governor, between fifty and sixty years of age, named Althotas, and three servants; a white one, who was my valet-de-chambre, and two blacks, one of whom was constantly with me night and day.

My governor always told me, that I was left an or-

phan at three months old; that my parents were Christians, and nobly descended; but their names, and the place of my nativity, he inviolably concealed from me. Some words which he accidentally let drop, has made me suspect that I was born at Malta; but this circumstance I have never been able to ascertain.

Althotas, whose name excites in me the tenderest emotion, treated me with all the affection and care of a father; he took a pleasure in cultivating the disposition I discovered for the sciences. He, I may with truth affirm, knew them all, from the most abstruse to those of mere amusement. In botany and physic I made the greatest progress.

He taught me to worship God, to love and assist my neighbours, and to respect universally religion and the laws.

We both dressed like mussulmen, and conformed outwardly to the Mahomedan worship; but the true religion was engraven in our hearts.

The Mufti visited me often, always treated me with great kindness, and seemed to entertain a high regard for my governor. The latter taught me most of the languages of the East.

I was now in my twelfth year, and became desirous of travelling. The wish to behold the wonders he frequently conversed with me of, grew so strong upon me, that Medina, and the amusements of my age, grew insipid and tasteless.

Althotas at length informed me, that we were going to begin our travels; a caravan was prepared, and, after taking leave of the Mufti, who was pleased to express his regret at parting with us in the most obliging terms, we set out.

On our arrival at Mecca, we alighted at the palace of the Cherif, who is the sovereign of Mecca, and of all Arabia, and always one of the descendants of Mahomet. I here changed my dress for a more splendid one than I had hitherto worn. On the third day after our arrival, I was introduced by my governor to the Cherif, who received me in the most affectionate manner. On seeing this prince, my whole frame was inexpressibly agitated; the most delicious tears I ever shed gushed from my eyes; and I observed that he with difficulty restrained

his. This is a period of my life which I can never reflect on without being most sensibly affected.

I remained at Mecca three years, during which time not a day passed without my being admitted to the presence of the Cherif.

My gratitude increased every hour with his attachment. I frequently observed his eyes rivetted upon me; and then turned up to Heaven, highly expressive of pity and tenderness. On my return I was constantly thoughtful, a prey to fruitless curiosity. I was afraid to question my governor, who always treated me, on such occasions, with great severity, as though it had been criminal in me to wish to discover my parents, and the place of my birth.

At night I used to talk with the Black who slept in my chamber, but could never get him to betray his trust. If I mentioned my parents, he became as silent as the grave. One night, when I was more importunate than usual, he told me, "that if ever I left Mecca I should be exposed to the greatest dangers, and, above all, cautioned me against Trebisond."

My desire for travelling, however, was superior to my apprehensions. I grew tired of the dull uniformity of my life at the court of the Cherif.

One day when I was alone, the prince entered my apartment; so great a favour amazed me. He clasped me to his bosom with unusual tenderness, exhorted me never to cease adoring the Almighty, assuring me that, if I persisted in serving him faithfully, I should be ultimately happy, and know my destiny. Then bedewing my face with his tears, he said, "Adieu, thou unfortunate child of nature!" These words, and the affecting manner in which they were spoken, will ever remain indelibly impressed on my mind.

I never saw this prince afterwards. A caravan was expressly provided for me, and I bid an eternal adieu to Mecca.

I began my travels by visiting Egypt, and its famous pyramids, which exhibit to a superficial observer nothing more than enormous masses of marble and granite. I cultivated the acquaintance of the ministers of the different temples, who admitted me into places unvisited by, and unknown to, common travellers.

I next spent three years in visiting the principal places in Asia and Africa.

In 1766, I arrived, accompanied by my governor and three servants, at the Island of Rhodes, where I embarked on board a French ship bound to Malta.

Notwithstanding the general rule for all vessels coming from the Levant to perform quarantine, I obtained leave to go on shore the second day, and was lodged in the palace of the grand-master, Pinto, in apartments contiguous to the laboratory.

The grand-master, in the first instance, requested the Chevalier D'Aquino, of the princely house of Caramanico, to accompany and shew me every thing remarkable on the island.

Here I first assumed the European dress, and the name of Count Cagliostro, and saw, without surprise, my governor Althotas appear in the habit and insignia of the order of Malta.*

The Chevalier D'Aquino introduced me to the chiefs, or *Grand Croix* of the order, and among others to the Bailli de Rohan, the present grand-master. Little did I then imagine that, in the course of twenty years, I should be dragged to the Bastile for being honoured with the friendship of a prince of that name!

I have every reason to suppose that the grand-master was not unacquainted with my real origin. He often mentioned the Cherif and the city Trebisonde to me, but would never enter into particulars on that subject.

He treated me always with the utmost attention, and promised me the most rapid rise if I would take the vows of the order; but my taste for travelling, and my attachment to the practice of physic, made me reject these offers, not less generous than honourable.

It was at Malta that I had the misfortune to lose my best friend, my master, the wisest and most learned of men, the venerable Althotas. In his last moments, grasping my hand, he with difficulty said, "My friend, experience will soon convince you of the truth of what I have constantly taught you."

* The Maltese Ambassador at Versailles has since the above publication, by order of the Grand Master, declared the above assertion, and that of the dispensation of quarantine, to be false and groundless.

The place where I had lost a friend who had been to me like a father, soon became insupportable; I requested, therefore, of the Grand Master, that he would permit me to quit the Island, in order to make the tour of Europe. He consented with reluctance, but made me promise to return to Malta. The Chevalier D'Aquino was so obliging as to accompany me, and supply my wants during our journey.

In company with this gentleman I first visited Sicily, where he introduced me to the first people of the country. We next visited the different islands of the Archipelago, and having again crossed the Mediterranean, arrived at Naples, the birth-place of my companion.

From thence I proceeded alone to Rome, with letters of credit on the banking-house of the Sieur Bellone.

I determined to remain here incog.; but one morning whilst I was shut up in my apartment, endeavouring to improve myself in the Italian language, the secretary of Cardinal Orsino was announced, who came to request I would wait on his eminence. I accordingly repaired immediately to his palace. The cardinal received me with the greatest politeness, invited me often to his table, and procured me the acquaintance of several cardinals and Roman princes, particularly the Cardinals York and Ganganelli, afterwards Pope Clement XIV. The Pope Rezzonico, who then filled the papal chair, having expressed a desire of seeing me, I had the honour of repeated conferences with his holiness.

In the year 1770, in my twenty-second year, fortune procured me the acquaintance of a young lady of quality, Serafina Felichiani; she was hardly out of her infancy; her dawning charms kindled in my bosom a flame, which sixteen years marriage have only served to strengthen.

Having neither time nor inclination to write a voluminous work, I shall only mention those persons to whom I have been known in my travels through all the kingdoms of Europe. Most of them are still in being. I challenge their testimony aloud. Let them declare whether ever I was guilty of any action disgraceful to a man of honour. Let them say if ever I sued for a favour, if ever I cringed for the protection of those sovereigns who were desirous of seeing me; let them, in short, declare, whether at any time, or in any place, I had any

other object in view than to cure the sick, and to relieve the indigent, without fee or reward.

The comte then gives a list of very respectable persons with whom he says he was acquainted at the different courts of Europe; and goes on to observe, that, from a desire of not being known, he frequently assumed different names, such as those of Comte Starat, Comte Fenix, Marquis D'Anna, &c.

He arrived at Strasburg on the 19th of September, 1780, where, at the earnest solicitations of the inhabitants and the nobility of Alsace, he was prevailed upon to employ his medical abilities for the good of the public. Here he was libelled, he says, by some obscure scribblers; but the author of a work, entitled "*Lettres sur la Suisse*" (to whom he refers the reader), did him justice, and paid due homage to truth. He then appeals to the clergy, military officers, the apothecary who supplied him with drugs, to the keepers of the different gaols in which he relieved a number of poor prisoners, to the magistrates, and the public at large, to declare, whether he ever gave offence, or was guilty of any action that militated either against the laws, against morality, or religion.

Some little time after his arrival at Strasburg, the Cardinal de Rohan signified to him that he wished to be acquainted with him. He at first supposed the prince to be actuated by mere curiosity, and therefore declined the invitation. But being afterwards informed that he was attacked with an asthma, and wished to consult him, he immediately went to the episcopal palace, and gave the cardinal his opinion.

In the year 1781 the cardinal honoured him with a visit, to consult him about the Prince de Soubise, who was afflicted with a mortification, and prevailed upon him to accompany him to Paris; but on his arrival there, he refused to visit the Prince till his physicians should declare him past cure; and when the faculty declared him to be on the mending hand, persisted in his resolution of not seeing him, "being unwilling to reap the glory of a cure, which could not be ascribed to me."

He staid in Paris thirteen days, employed from five in the morning till midnight in visiting patients; and then returned to Strasburg, where the good he did pro-

duced many libels against him, in which he was styled Antichrist—The Wandering Jew—The Man of 1,400 years old, &c. At length, worn-out with ill usage, he determined on leaving the place, when two letters, one from the Comte de Vergennes, the other from the Marquis de Miromenil, keeper of the great seal, to the chief magistrate of Strasburg, in his behalf, induced him to change his mind.

The tranquillity which these ministerial letters procured him was but of short duration, and he again determined to quit Strasburg, and retire out of the reach of the malevolence of envy. An account he at this time received of the Chevalier de Aquino being dangerously ill at Naples, hastened his departure for that place, where he arrived only in time to receive the last farewell of his unfortunate friend.

To avoid being importuned to resume the practice of physic, he resolved to take a trip to England, and with this intent arrived at Bourdeaux in November, 1783. Here, being known, he was prevailed on to continue eleven months, giving up his time to the sick and infirm, as he had done at Strasburg. In October, 1784, he reached Lyons, where he continued three months, and arrived at Paris in January, 1785.

Soon after his arrival, the Cardinal de Rohan, who honoured him with occasional visits, offered to introduce him to a lady named Valois de la Motte.

"The queen," said the cardinal, addressing himself to the count, "is a prey to the deepest melancholy, in consequence of a prediction that she is to die in child-bed. It would be the highest satisfaction to me, if by any means I could undeceive her, and restore her peace of mind. Madame de Valois is every day with her majesty; and you will greatly oblige me, by telling her (if she should ask your opinion) that the queen will be safely brought to bed of a prince."

To this proposal the count, wishing to oblige the cardinal, and pleased with the prospect of contributing, though indirectly, to the preservation of the queen's health, readily assented.

On visiting the prince next day at his house, he there found the Countess de la Motte, who, after the usual civilities, opened the business to him as follows:

"I am acquainted with a lady of great distinction at Versailles, who has been forewarned that she and another lady were to die in child-bed. The prediction has been verified on one of the parties, and the survivor awaits the fatal minute in the utmost uneasiness. If you know what will happen, or if you think you can by any means find it out, I shall go to Versailles to-morrow and make my report to the person concerned, who (added the countess) is the queen herself."

The count's answer to Madame de la Motte was, that all predictions were mere nonsense; but advised her to tell the queen, to recommend herself to the divine protection, that her first lying-in had been fortunate, and that her approaching one would be equally so.

The countess not seeming satisfied with this answer, the count, in consequence of his promise to the cardinal, assuming a serious countenance, told the lady, "Madam, as an adept in the science of nature, and acquainted with the arcana of magnetism, I am of opinion, that a being perfectly innocent may, in this case, operate more powerfully than any other. If therefore you are desirous of knowing the truth, you must, in the first instance, find out such an innocent creature.

"If that be the only difficulty," replied Madame de la Motte, "I have a niece who answers the description: I will bring her with me to-morrow."

The next day the count was much surprised at being introduced, not, as he had imagined, to a child about six years old, but to a full grown innocent creature of fifteen. After composing his features, and stifling a laugh, he asked Mademoiselle la Tour, the young lady, whether she was truly innocent? To this question she more boldly than ingenuously answered in the affirmative. The count replied, "I shall know the truth of it in an instant. Commend yourself to God and your innocence, step behind the screen, shut your eyes, and think within yourself on any object you most wish to see: if you are innocent, it will appear to you; if not, you will see nothing.

"Mademoiselle de la Tour," continues the count, "followed my directions, and I remained on the other side of the screen with the cardinal, who stood near the fireplace, not wrapt in exstasy, as Madame de la Motte

thinks proper to express it, but holding his hand to his mouth, for fear of interrupting the solemn scene by an ill-timed laugh.

Having made some mystic gesticulations, I desired the young lady to stamp on the floor with her innocent foot, and tell me whether she saw any thing. She answered in the negative. "Then miss," said I, striking the screen smartly, "you are not innocent." This observation piqued the lady's pride—"Hold," cried she, "methinks I see the queen." I was then convinced that this innocent niece had been properly instructed by her artful aunt.

Desirous to know how she would go through her part, I requested her to describe the apparition: she said the lady was pregnant, and dressed in white: she then proceeded to describe her features, which exactly resembled the queen's. I then desired her to ask the lady whether she would be brought-to-bed safely. She replied, she should. I then ordered her to kiss the lady's hand respectfully. The innocent creature kissed her own hand, and came from behind the screen, perfectly satisfied to think she had convinced us of her innocence.

The ladies eat some sweetmeats, drank some lemonade, and in about a quarter of an hour retired by the back stairs.

Thus ended a farce, as harmless in itself as it was laudable in its motive.

The cardinal, having thus brought me acquainted with the countess, asked me what I thought of her? I, who have always pretended to some skill in phisognomy, sincerely declared, that I believed her to be a deceitful intriguing woman. The cardinal differed in opinion from me, and soon after set out for Saverno, where he remained a month or six weeks. On his return, his visits to me became more frequent, and I observed him to be uneasy and thoughtful; and whenever the countess was mentioned, I with my usual frankness told him, "that woman deceives you."

About a fortnight before he was arrested, he one day said to me, "I begin to think you are right in your conjectures, and that Madame de Valois is the woman you have described." He then, for the first time, related

to me the transaction about the necklace, and communicated his suspicions and fears that it had not been delivered to the queen. This corroborated my former opinion.

The next day the prince informed me that the countess and her husband had, fearing the consequences of the above affair, fled for shelter to his house, and that they requested letters of recommendation for England or Germany. The cardinal asked my advice in the business. I told him there was but one way left, viz. to deliver her into the hands of the police, and go directly to court, and lay the whole matter open to the king and his ministers. This he objected to as repugnant to his feelings and generosity. "In this case," said I, "God is your only resource." The cardinal, however, having refused to give them the letters of recommendation, they set out for Burgundy, and I have heard nothing of them since.

On the 15th of August the cardinal was arrested. Several persons observed to the count, that as he was among the prelate's friends, he might possibly share the same fate. But conscious of his innocence, he replied that he was perfectly resigned, and would wait with patience whatever God or the government should ordain.

Accordingly, at half past seven o'clock in the morning, on the 22d of August, a commissary, an exempt, and eight myrmidons of the police entered his house, and after rummaging his 'scrutoires, dragged him on foot in the most opprobrious manner, till a hackney-coach happening to pass by, he was permitted to enter it, and was conducted to the Bastile; to which place his wife was likewise committed. On the 30th of January, 1786, after five months confinement, he underwent an examination; in which he invariably persisted in declaring his innocence. During this interrogatory the following question was put to him:

Q. Your manner of living is expensive; you give much away, and accept of nothing in return; you pay every body; how do you contrive to get money?

A. This question has no kind of relation to the case in point; however, I am willing to give you some satisfaction. Yet, of what importance is it to have it known, whether I am the son of a monarch, or the child of a beggar; why I travel without making myself known,

or by what means I procure the money I want? As long as I pay a due respect to the religion and laws of the country, discharge every obligation, and am uniformly doing good to all around me, the question you now put to me is improper and unbecoming. I have always taken a pleasure in refusing to gratify the curiosity of the public on this account, notwithstanding all the calumnies malice has invented against me. I will nevertheless condescend to tell you what I never revealed to any one before. Know then, that the principal resource I have to boast of is, that as soon as I set my foot into any country, I there find a banker who supplies me with every thing I want: thus in France, Sarrasin de Basle, or Mons. Sancolaz at Lyons, would give me up their whole fortunes, were I to ask it; but I have always requested these gentlemen not to say they were my bankers. In addition to these resources, I derive farther assistance from my extensive knowledge.

This absurd creature, in fact, pretended that he had discovered the philosopher's stone, and that he possessed powers of divination; his audacious empiricism, the abstraction of the queen's necklace, and the implication of a cardinal of the church in the affair, caused of course in this time of profound peace, a great sensation throughout Europe, and the newspapers were filled with speculations and reports on the subject. His clerical dignity saved the life of the cardinal, but he was banished the court of France, and the statements and counter statements of the parties tended, however, to withdraw that veil from royalty which is useful in supporting its vulgar estimation; and from this time the Queen of France ceased to be considered as an immaculate character. Indeed the impression continued, and trifling as was this first cause, it led to the unhappy queen's exit on the scaffold in October, 1793. As to the Countess De la Motte, she came to England, and printed her vindication, in which she exposed the queen and court, but getting in debt in London, and being arrested and lodged in a sponging house, in a fit of frenzy, peculiar to the French character, she threw herself out of a two-pair of stairs window, by which she broke both her legs, and received such other injuries as caused her death in a few days. Cagliostro himself

was soon after liberated from the Bastile, and being ordered to leave France, went to Italy, where, by a compound absurdity, the Inquisition seized on him for practising divination; and on this ridiculous charge he was committed a close prisoner to the castle of St. Angelo at Rome, where, in 1794, he died a victim of his own craft, and of the credulity at once of low dupes, and of power in ignorant hands.

GEORGE ROBERT FITZGERALD, ESQ.

AND HIS ASSOCIATES, AT CASTLEBAR, IN THE COUNTY
OF MAYO (IRELAND),

FOR THE MURDER OF PATRICK RANDAL M'DONNELL, ESQ.
1786.

MR. FITZGERALD was brought to the bar at half after eight o'clock in the morning of Friday, June 9, and given in charge to the jury, but not arraigned, he having pleaded *Not Guilty*, in April last. He challenged fifteen of the jury peremptorily, and the right honourable the attorney-general also challenged such of the jury as he was informed stood in any degree of relationship to the deceased; an honourable and uncommon proof of the desire to see justice administered, without the partiality of prejudice.

The jury being sworn, and the attorney-general having opened the prosecution with great clearness, propriety, and ability, the following evidence was submitted to the court.

The first witness called upon was Mr. Gallagher; who, being first duly sworn, was interrogated, and deposed as follows:

Q. Mr. Gallagher, do you remember the 20th of February?—A. I do, sir; I have a very just right.

Q. Pray, sir, did you know Mr. Patrick Randal M'Donnell?—A. I did, sir.

Q. Is he living or dead?—A. He is dead, sir.

Q. Will you please to relate to the court and the jury, from your own knowledge, how he came by his death; and keep your recital as distinct from Hipson as you can, as the present indictment only concerns Mr. M'Donnell.—A. I will, sir. Mr. M'Donnell, the deceased, and

Mr. Fitzgerald, the prisoner at the bar, lived near each other; they had frequent bickerings and disagreements; in consequence whereof Mr. Fitzgerald made many attempts to be revenged on Mr. M'Donnell, for some supposed offence. Mr. M'Donnell, about eighteen months ago, was fired at from a window in Mr. Fitzgerald's house, which shot took place, and wounded Mr. M'Donnell in the leg; for this assault a man was indicted the assizes following at Castlebar, and acquitted; in consequence of which, Mr. Fitzgerald levelled his resentment not only against Mr. M'Donnell, but also against Mr. Charles Hipson, who was murdered at the same time with Mr. M'Donnell, and against me; I suppose for our using our utmost endeavours to bring to justice the person who fired at Mr. M'Donnell, the deceased. On the 20th of February last, Mr. M'Donnell called upon me in the morning, in company with Mr. Hipson, and requested I would go with them to Mr. M'Donnell's house, as he, Mr. M'Donnell, wished to give some necessary directions to his servants, then at his house in the country; for Mr. M'Donnell declared to me he could not live in his house at Chancery-hall, in the county of Mayo, being in the neighbourhood of Mr. Fitzgerald, whom he represented as a blood-thirsty, unforgiving man; and accordingly took lodgings in the town of Castlebar to avoid him. We rode off together, and, as we afterwards heard, about ten o'clock, Mr. Fitzgerald getting information of our being there, sent out a party to apprehend us on a warrant, surreptitiously obtained from a Mr. O'Meally (whom I since understand has been degraded from his commission) for a supposed assault. On our receiving information that our enemy was in pursuit of us, we rode off from Mr. M'Donnell's, Chancery-hall, but finding ourselves pursued, we stopped at a house on the road; and I, knowing the resentment was principally levelled at Mr. M'Donnell, persuaded him to conceal himself under some malt, which he did; and in a short time Mr. Fitzgerald's party came up to the house, and after firing several shot in at us, I went out, and demanded the reason that they behaved with such outrage and violence? John Fulton and Craig replied, they had warrants against Mr. M'Donnell, Mr. Hipson, and myself, but vehemently demanded Mr. M'Donnell.

I informed them that he had rode off, and demanded to see their warrants; which they refused, but burst into the house, and after searching the house and out-houses, they found Mr. M'Donnell, and dragged him out; they then tied and brought us bound to Mr. Fitzgerald's, at Rockfield; when we arrived there, we alledged, that the crime we were accused of was at any rate bailable, and demanded to be brought before a magistrate, which was refused, and we were kept at Mr. Fitzgerald's house that night, they pretending it was too late then to bring us before a magistrate.—We remained there that night, and were treated with the greatest indignity and insult. In carrying us prisoners to Mr. Fitzgerald's, they suffered Mr. M'Donnell to ride, on account of the wound in his leg, but tied Mr. Hipson and me together. On the morning of the 21st of February, we were brought out from Mr. Fitzgerald's under a guard, which stood ready to receive us; and I heard Mr. Fitzgerald, the prisoner at the bar, tell Andrew Craig, who is commonly called Scotch Andrew, "to be sure to secure his prisoners; and if there was a rescue, to shoot them."—We were then led about two or three hundred yards from the house, when Andrew Craig called out, "A rescue! a rescue!" on which a shot was immediately fired from the rear, which killed one of Mr. Fitzgerald's guard, and wounded three or four more; the fire then soon became general, and Mr. M'Donnell received a wound in the arm, and Mr. Hipson and I received wounds, when we both fell, and I endeavoured to crawl into some fern that was near me, and to conceal myself. Mr. M'Donnell's horse took fright after the rider had been shot in the arm, and carried him a few yards on; when, just at a bridge, he was seized by a person fixed there for the purpose, as there were guards fixed at all the passes, and Andrew Craig fired at him, and shot him through the body, on which he fell, and if any life remained in him, it was beat out by the butt end of a pistol, and the butt end of muskets: they then fired at and killed Hipson, and coming up to where I was, they were going to shoot me, when one of them exclaimed, "We have no orders to kill him!" which saved my life. I was retaken to Fitzgerald's house, where I was afterwards rescued by my friends.

Q. Do you see any persons now in court whom you can positively swear were present at this outrage?—

A. I can positively swear that Mr. Fitzgerald was present at our setting out, and that I heard him give the directions I have mentioned to Andrew Craig; and that he had a blunderbuss slung under his arm.

Cross examined.

Q. Was Mr. Fitzgerald present when you were first apprehended under the warrant of Mr. O'Meally?—A. He was not that I saw; I did not see him till I was brought to his house.

Q. Did you see him fire at Mr. M'Donnell, Mr. Hipson, or you?—A. No; I only saw him give the directions to Andrew Craig that I have mentioned.

Next evidence produced was Andrew Craig, commonly called Scotch Andrew—who being duly sworn and examined, deposed as follows:

Q. Where did you live in the month of February last?—A. With Mr. Fitzgerald, the prisoner at the bar.

Q. Did you get any directions from him on that day to do any thing particular? A. I did

Q. Now, sir, relate to the court and the jury the particulars of those directions, as you know from your own knowledge.—A. On the 20th of February last we received information that Mr. M'Donnell, the deceased, in company with Mr. Hipson, and Mr. Gallagher, were at Mr. M'Donnell's house; Mr. Fitzgerald then called to me, and in the presence of John Fulton and—[Here he was interrupted by the counsel, who told him he was not to mention any person who was not then upon his trial.]—Mr. Fitzgerald desired me to go and apprehend them on a warrant he had obtained from Mr. Justice O'Meally, and to bring them to Rockfield; I was employed by Mr. Fitzgerald, as he always employed me in all his enormities.—[Here he was interrupted, and desired to confine himself to the question now before the court, and not to enter into any extraneous matters.]—We then brought Mr. M'Donnell, Mr. Hipson, and Mr. Gallagher (the gentleman that was examined here) prisoners to Rockfield. The next morning we settled about the plan of murdering them.—[Here he was interrupted by the question, Who settled it? and he continued:]—Mr. Fitzgerald, Mr. Timothy Brecknock, Mr. John Fulton, and myself; we determined upon the mock rescue, and that my calling out "A rescue!" should be the word of command for those in the rear to fire, which they accordingly did. We determined to place spies at the different passes to prevent an escape; and on Mr. M'Donnell's horse running away with him after the first fire, when he was shot in the arm, I came up with him on his being stopped, and fired at him.

Q. Did you receive instructions from any in court, and whom, to perpetrate this horrid act?—A. I did, from Mr. Fitzgerald himself, both before we went off, and as we were going

out. He said to me, "Secure the prisoners; and if there should be a rescue, or an attempt to rescue, shoot them."

Q. Was the scheme of the rescue planned or not, and by whom?—A. It was planned by Mr. Fitzgerald and those I have mentioned, and myself among the rest; but those were only privy to it; the rest were to attend as a guard, to see them lodged safe.

Q. I now ask you on your oath, was the rescue a real one, or a fictitious one, planned as you say?—A. It was a fictitious one, planned to commit the murder.

Q. Was that the purpose of it, on your oath?—A. On my oath it was for no other purpose, but for an excuse to murder Mr. M'Donnell; and it was preconcerted before we went out, that a man should be placed in an advantageous spot, to fire at Mr. Fitzgerald's own men, to make them imagine the rescue was intended, except those that were privy to the scheme.

Q. Was Mr. M'Donnell murdered in consequence of the plan you have mentioned?—A. He was.

[Craig was then cross-examined; simply, to whether Mr. Fitzgerald fired at any of the people murdered? To which he answered, he believed he did not; for it was before determined, that he (Craig) should murder him, or see it done by others.]

Here closed the examination on the part of the crown; and on Mr. Fitzgerald being called upon, and told, then was the time for him to make his defence, he replied, he would leave every thing to his counsel employed for him.

His leading counsel then mentioned, that they would call a number of witnesses to prove an *alibi* on the part of Mr. Fitzgerald.

Several witnesses were then called on the part of Mr. Fitzgerald; and all tended to the same *alibi*, of his not being present *the time* the actual murders were committed; but proved nothing as to the directions and preconcerted schemes laid for the destruction of Mr. M'Donnell.

The Charge.

The present is one of the most momentous and important trials that ever came before a court; and through the whole of this melancholy business every feeling mind must be happy to perceive that impartiality and temperance which has distinguished the conduct of those who were appointed to bring to justice the authors of a deed not less horrible than degrading to human nature: and however inclinable I may be to lean to the side of mercy in all criminal cases, yet in the present case, I must confess that such aggravated guilt never appeared before me. It is far from my intention or wish that any thing I could this day say to you should bias your opinion; you are gentlemen of conse-

quence in this county, and I am firmly persuaded of the strictest impartiality, and your verdict of consequence must be the result of justice. You are in possession of established facts, from which you will doubtless draw fair inferences, untarnished with any unfavourable opinion which you may have previously received against the prisoner now upon his trial, and entirely uninfluenced by any impression which an affair that has been represented in the most shocking colours, both in private conversations and in the public prints, must have made on you.

'Tis not my province to prescribe the necessary verdict for you to bring in; you are as good judges of the facts which appear before you as I am, and by those must be directed; if any doubt as to any point of law occurs to your mind, I will, with pleasure, as will my brother, explain it, and give you every assistance; and from my knowledge of you, I again repeat, your determination will be the result of wisdom, impartiality, and justice. The spirit of the laws may sometimes be stretched to a mistaken tenderness, and there are instances where lenity may be repugnant to justice.

The jury retired, after a sitting of sixteen hours, and in fourteen minutes brought in their verdict, *Guilty*.

JOHN ELLIOT, M. D.

UNDER THE BLACK ACT, JULY 20, 1787.

DR. ELLIOT was tried upon an indictment on the Black Act, with wilfully and maliciously discharging two pistols, loaded with powder and divers balls, at the person of Miss Mary Boydell. The second count charged him with firing one pistol, loaded with powder and one or more bullets, at the said Miss Boydell.

The evidence produced for the prosecution was as follows:

Mr. George Nicol, bookseller to his Majesty, swore, that in walking up Prince's-street in company with Miss Boydell, he heard the loud explosion of a pistol close to his ear. It was so near, and the concussion of the air so strong, that it struck his ear like a blow. He turned round, and seeing the prisoner quite close to him with a pistol in his hand, which afterwards, however, turned out to be two pistols strongly tied together, he seized him by the throat, and said, "Are you the villain that fired?" The man said he was, and a footman coming up at the same moment, either wrenched the pistols out of his hand, or took them up as he dropt

them: that then, having seen the lady taken into a shop, he went with the prisoner to Justice Hyde's.—In going there he expressed great joy at what he had done; and in particular said, that now he should die in peace, as he had sent the lady before him; that two more pistols were found in his pocket, apparently loaded to the muzzle, and those Mr. Nicol delivered into the hands of Justice Hyde, and had not seen them since. That during the examination, a lady came into the office, and said, she was happy to find that Miss Boydell was not dangerously wounded; upon which the prisoner, clashing his hands together, seemingly in an agony of dissatisfaction, exclaimed “Is she not dead?”—and from this time, and during the continuance of the examination, he burst into a torrent of abuse against the lady, the alderman, and his family.

These facts were clearly and circumstantially corroborated by the evidence of the livery servant, and of Mr. Griffith, a shoemaker in Prince's-street, who saw him fire the pistol, and who assisted in securing him. The servant swore that Elliot dropt the pistols, and he took them up. He found the one upon half cock, and the pan shut down, and some grains of powder in the pan—the other had all the appearance of having been instantly fired, and he thought indeed that they had both been fired, notwithstanding the circumstance of the lock being on half cock. In all the points of the prisoner's declarations of his intentions—of his behaviour at the justice's—of the two loaded pistols in his pocket, &c. they agreed with Mr. Nicol.

Mr. Nicol then swore that almost one half of the lady's cloak was burnt, and that there were two marks on her gown, just below the shoulders, which seemed to correspond with the marks of the pistols as they were tied together.

A surgeon swore that Miss Boydell had two contusions just below the shoulder blade, which correspond with the marks on the gown, and which evidently proceeded from blows received from some hard substance. Being asked, if pistols loaded with bullets discharged so near the body could have made such marks? He said, he did not know; but it was certain, that a pistol put quite close home to any resisting body, and discharged so

as not to have the assistance of the air, lost much of its force.

The cloak, handkerchief, and gown, were produced, to show the effects of the explosion and shot.

Justice Hyde was sworn, and he gave an account of the pistols. He said, that about a quarter of an hour after Mr. Nicol had withdrawn, a person who called himself Thomas Brown, and whom he observed in conversation with the prisoner, came to his office, said he came from Mr. Nicol, and desired to have the pistols, which he accordingly delivered to him. He could not find this Brown, nor did he know him. He swore that the pistols were loaded to the muzzle, and that the paper wadding being broken in the ramming of the bullets down, he clearly saw the lead of the bullets.

There was some other evidence not so material. A gardener belonging to Mr. Josiah Boydell in the country, swore that the prisoner had lodged with him six months last winter, and that by so doing he had often got into the house of Mr. Boydell, where Miss Boydell frequently visited.

Mr. Silvester, on the part of the prisoner, called a Dr. Symmonds to prove that he was insane. The doctor gave it as his opinion that he was so, and he had formed this opinion from a letter he had received from him in January last, the purport of which was a philosophical hypothesis, that the sun was not specifically a ball of fire, but that his heat proceeded from the quality of the atmosphere that surrounded his body. Some part of this paper was read, and so far from betraying symptoms of insanity, it had all the marks of quick and cultivated parts. The hypothesis, however false, was ably argued—and as to the absurdity of the doctrine itself, the Recorder aptly asked the doctor, whether, if he judged of his intellects merely from a vague supposition as to the nature of the sun's heat, he might not equally declare Buffon, and many other philosophers, to be mad.

Mr. O'Donnell, the successor of Mr. Elliot, said, he had observed symptoms of insanity in him, although he attended his patients very regularly and very properly. This inconsistency drew from Mr. Garrow some sharp questions, which Mr. O'Donnell said did not, by the way in which they were put, enable him to give so clear an

account of the case as he otherwise would do, if not puzzled by the counsel.

Two people with whom he lodged also said, they remarked insanity ; but he was a good, quiet lodger, and they saw no harm of him.

The Recorder was beginning to sum up the evidence ; and he stated, that as the indictment varied, it was necessary that the jury should be convinced that one or both pistols were loaded with ball—That at least one of them was fired, and fired at the lady—That it was done wilfully and maliciously, was clear and manifest, on the testimony of three concurring witnesses—It was evident, first from the exultation, and afterwards the disappointment expressed by Elliot, as well as by the declarations, that his intention was to take away the life of the lady—that he had deliberated on the fact, and had coolly prepared the means ;—but it was for them to inquire, whether, in the anxiety incident to so horrid a project, he had not either blundered in the loading, or had chosen the wrong pair of pistols—for if they were not convinced that one or both of them was loaded with ball, they must acquit the prisoner. Here one of the jurymen said, “ Surely, my lord, nothing can be more clear, than that the pistols were not loaded with ball.” On this the Recorder said, if they were all of this opinion, it was needless for him to enumerate the evidence in defence of the prisoner.

The jury, after some consultation, brought in a verdict, Guilty of shooting, but they do not find that there was ball. On this the Recorder directed them to acquit the prisoner, which they did.

The Recorder said, this was no ground for exultation to the prisoner. His crime in the eye of Heaven was the same, and he should order him to be detained to be tried for the assault ; and it was a duty which the prosecutors owed to society to bring him to his trial in that way.

This officiousness of justice proved fatal to poor Elliot. He was a man of extreme sensibility—and being convicted of the assault, and a vindictive sentence passed, he adopted a determination to starve himself to death ; and, in spite of entreaty and force, persisted in not swallowing any sustenance, till he died a victim of the misplaced punctilio of law.

LORD GEORGE GORDON,
FOR LIBELS—1787.

ON June 6, 1787, Lord George Gordon was tried before Justice Buller, at the court of king's bench, on an information for having written and published a pamphlet, entitled, "A Petition to Lord George Gordon from the Prisoners in Newgate, praying for his Interference, and that he would secure their Liberties, by preventing them from being sent to Botany Bay." This strange performance, being read, appeared to be a farrago of vague reasoning, and absurd reference, interlarded with a great number of Scripture phrases. The passage quoted in the information was to the following purpose: "At a time when the nations of the earth endeavour wholly to follow the laws of God, it is no wonder that we, labouring under our severe sentences, should cry out from our dungeons and ask redress. Some of us are about to suffer execution without righteousness, and others to be sent off to a barbarous country. The records of justice have been falsified, and the laws profanely altered by men like ourselves. The bloody laws against us have been enforced, under a nominal administration, by mere whitened walls, men who possess only the show of justice, and who have condemned us to death contrary to law, &c."

The Attorney General opened the prosecution by remarking, that nothing could be more obvious than the purpose for which this publication was intended. It purported to be an address to Lord George Gordon; but, as it would appear, had been actually written by himself, with a view either to raise a tumult among the prisoners within, in an endeavour to procure their deliverance; or, by exciting the compassion of those without, to cause a disturbance, and produce the same effect. It was now but a few years since, he said, without meaning any particular application in the present instance, that the citizens of London had seen those effects completed, which this pamphlet went to produce; and the consequences were too well known to need a repetition. It included the law and the judges in indiscriminate abuse: he would not contend for absolute perfection in the for-

mer ; but those who condemned our laws, should not reside under their jurisdiction. The criminal law was no where attended to with more care, or enforced with so much lenity. This, however, had nothing to do with the present case, as the defendant had sufficiently shewn, by his conduct, that reformation was not his object.

John Pitt, the turnkey of Newgate, was then called. He deposed, that, in the month of December last, Lord George Gordon had repeatedly visited the lodge, and asked to see the prisoners, particularly those under sentence of death, which request was often denied. On the publication of the pamphlet in question, Lord George sent a copy to him, and others to Mr. Akerman, and Mr. Villette, the ordinary. A few days after, he found a man and woman distributing them in great numbers at the door of the prison. In consequence of this, he waited on Lord George at his house in Welbeck-street, and told him that there was sad work about the distribution of the pamphlet ; to which his lordship replied, " No matter, let them come on as soon as they please ; I am ready for them." He then saw a great number of the books in the room, and took one to Mr. Akerman, at Lord George's particular desire ; and also gave a direction to the residence of those persons who had distributed the pamphlets in the Old Bailey.

The records of the conviction of several persons were then read and authenticated ; and Mr. Akerman, and Mr. Hall, the keeper of the New Jail, Southwark, were called, for the purpose of proving, that there existed, at the time, convicts of the same description as those who were supposed to have addressed the pamphlet to the defendant.

Lord George asked the witnesses, severally, whether he had ever any conference with the persons mentioned in the record ; to which they replied in the negative.

His lordship then entered on his defence ; which was delivered in a desultory manner, and made up of materials as heterogeneous as ever went to such a composition. A petty fraud, he said, committed in his own family, had first drawn his attention to the laws against felony, when he found that it constituted a capital crime, though the sum taken was no more than *eighteen pence*. He then entered into a history of our criminal law, from the time of Athelstan, for the purpose of proving that

code, in its present state, to be by much too sanguinary. This, he said, was a subject which struck his heart. He had communicated his ideas to Lord Mansfield, and to the Recorder, who had admitted their propriety; and to Judge Gould, who had desired him to put his thoughts on paper. This was all he had done in the present instance. His idea was only to enlarge the powers of the judges; though wicked lawyers had attributed to him another intention. He quoted the act of parliament for sending the convicts to New South Wales as a proof that the legislature thought with him on the subject: he quoted the Gazette of last Saturday, as a proof of his majesty's attention to God's laws, which he said were directly contrary to the present practice: and he assured the court, that, if he had time to send for his books, he could show them that every word of his pamphlet was actually in the Bible! His lordship complained very much of those vexatious prosecutions which were instituted against him. He quoted Blackstone's Commentaries, book iv. cap. 23, who says, "that informations filed *ex officio*, by the attorney general, are proper only for such enormous misdemeanors as peculiarly tend to disturb or endanger the king's government, and in the punishment or prevention of which a moment's delay would be fatal." This, he said, had by no means appeared in his case, as one of the informations against him had been pending for *ten*, and the other for *six* months. This extraordinary mode was therefore a grievance on him, which was not justified, as it appeared, by any pressing necessity. He exhorted Judge Buller not to lose the present opportunity of instructing the jury on the disputed point, whether they were to judge of law as well as of fact. He then complained, that spies had been set over him by the treasury for several months; and concluded with repeating his declaration, that his object had been reformation, not tumult. His lordship spoke for upwards of an hour and a half.

Judge Buller, having briefly summed up the evidence, remarked, that there could be no doubt of the fact of the defendant's having written and published the libel, the former of which he had actually confessed. There remained, therefore, only to determine whether the averments in the information were equally true; that is, whether the judges of the different courts, his majesty's law

officers, were those alluded to, on which the jury were to determine.

The jury, without hesitation, returned their verdict, *Guilty*.

The printer, Thomas Wilkins, was then tried, and found *Guilty*.

Lord George then presented an affidavit for the purpose of putting off his trial on the second information; stating, that he had proceeded, accompanied by a proper person, to Mrs. Fitzherbert's, in order to serve her with a subpoena: that, on appearing at the door, he read the original subpoena, and at the same time presented the copy and a shilling; but was, together with his attendant, turned out of doors by the servants; under these circumstances, so contemptuous both to the name of the king himself, and his "*dearly beloved Francis Buller*," it would, he was convinced, render it indispensably necessary for the court to postpone his trial; and, as he considered the virtues of the judge equal to his abilities (both of which he admitted to be bright), he trusted his integrity would still remain unsullied, and that the court would not proceed to try him till they had evinced their power sufficient to the production of his witnesses, and believed they would not attempt to decide on him till they were first enabled to do him justice.

The Attorney General said, that he could not possibly allow the merits of this affidavit. The notice of trial had been given near three weeks ago; therefore an ineffectual attempt to serve a subpoena but two days ago, could not form a sufficient claim to any farther delay. He wished also to know to what parts of his defence the evidence of Mrs. Fitzherbert would be applicable.

Lord George replied, by mentioning a conversation which, he said, he had with Mrs. Fitzherbert at Paris, with the relation of which he intermingled so many allusions to the situation of that lady, either too indelicate, or too absurd for repetition, that Judge Buller was compelled to interpose. His lordship was with some difficulty silenced; and it was then ordered, that the trial should proceed.

The information was then read; which stated, as libellous and seditious, two paragraphs which appeared in the Public Advertiser, on different days in the month of

August last, relating the particulars of a visit paid by Count Cagliostro, accompanied by Lord George Gordon, to Mons. Barthelemy, the French *Chargé des Affaires*, enlarging on the merits and sufferings of the count, and concluding with some severe reflections on the French queen as the leader of a faction, and on Count d'Adhemar, the French ambassador, and Mons. Barthelemy, as the insidious agents of the queen and her party.

The Attorney General opened the case, and said, that amongst the great number of libellous papers which the gentleman now before the court had published, it seemed to be strange that he should go so far out of his way as to libel the French ambassador, or any gentleman left in charge for him, as it could have no view whatever but to create a misunderstanding between the two courts. The characters of gentlemen representing their sovereign were not thus wantonly to be attacked; otherwise, no man could ever serve as an ambassador from any foreign court to the court of London, because they would be under the apprehension of seeing themselves attacked in the public papers, and held up as base and infamous characters, without an opportunity of gaining redress.

John Bolt was then called, who purchased two newspapers at Mr. Woodfall's office. Mr. Woodfall swore to the hand-writing of Lord George. Mr. Fraser, one of the under secretaries of state, proved the official situation of Count d'Adhemar and Monsieur Barthelemy. He added also, that the abuse contained in these paragraphs had been known and felt in the capital of France.

Lord George then put the following questions to Mr. Fraser:—Do you know any thing of d'Adhemar's family at Paris? No.—Don't you know he is of a very low and mean extraction? I do not.—Don't you know that he bears a bad character in Paris?—The court stopped him by observing, that these questions tended to nothing, as the count was ambassador at this court.

Lord George then entered on his defence; when he contented himself with re-asserting and justifying every thing he had written. There did, he said, exist a faction in Paris guided by the queen, and the Count Cagliostro had been persecuted for his adherence to the Cardinal de Rohan; and although he had been acquitted by the parliament of Paris, yet d'Adhemar continued to publish

base, false, and infamous paragraphs about him in the papers, particularly in the *Courier d'Europe*, a paper in French, published in London under the immediate patronage and direction of the count d'Adhemar. Cagliostro, therefore, threw himself under the protection of his lordship, to extend what influence he might have in his favour in this country. Count d'Adhemar, he proceeded to say, was a low man, of no family; but, being plausible and clever, had pushed himself forward to the notice of men in authority; in short, said his lordship, whatever Jenkinson is in Britain, d'Adhemar is in France (This allusion to Lord Hawkesbury created an universal laugh). He had been charged, he said, with libelling the queen of France; whereas it was impossible, as it was known what her character was in every street in Paris. The court was going to interpose, and stop this irregular discourse; but Lord George, with a marked emphasis, said, he declared it, in the face of the court, that the French queen was as great a — as the empress of Russia. He was proceeding in this strain; and said many things, which respect to such high characters forbids us to repeat, until the court was compelled to interfere.

The Attorney General observed—You are a disgrace to the name of a Briton.

Lord George then continued—It was in order to have these base paragraphs explained, that his lordship, with Count Cagliostro, had waited on the French ambassador, where not receiving the information they expected, the paragraph in question was written and published. He therefore contended it was no libel, as it contained nothing but truth in favour of Count Cagliostro, who had as much right to the protection of the laws as Count d'Adhemar, or any other foreigner.—

After a short charge from the judge, the jury instantly returned their verdict, *Guilty*.

On the 28th of January, 1788, his lordship was brought before the Court of King's Bench to receive judgment; and the court having heard Mr. Wood and Mr. Dallas on behalf of his lordship, and the attorney-general in reply, Mr. Justice Ashurst delivered the sentence of the court, as follows:—

“George Gordon, commonly called Lord George Gordon, you

have been tried and found guilty, on very clear evidence, of publishing two very scandalous and very seditious libels; the one entitled *The petition of the Prisoners*, the other published as a paragraph in the *Public Advertiser*. The first of these libels is addressed to yourself, is merely fictitious, of your own fabrication, and is manifestly calculated to excite insurrection, discontent, and sedition, among the prisoners confined under sentence of death or transportation, and to propagate in the minds of his majesty's subjects a hatred, contempt, and abhorrence of the criminal laws of this country, of all others the most famed for lenity, and to traduce those who are entrusted with the administration of them. In the other, you attempt to asperse the character of her Most Christian majesty the Queen of France, and Mons. Barthelemy, as being the instrument of a faction. It would be doing you too much honour to read in public these libels, and particularly the scurrilous language and low abuse in the prisoners' petition. It were to be wished you would make a better use of your reading in the Bible, and not use the scripture style and phrase for the wicked purpose of promoting mutiny and sedition, and to undermine the laws of your country. If you were to read the sacred scriptures to any good purpose, you would find, that one great end of religion is to promote peace and harmony, to teach men submission to government, and obedience to the law. And it will be of great advantage to the public, as well as to yourself, to learn to govern your own practice agreeably to its precepts. One is sorry that you, descended of an illustrious line of ancestry, should have so much dishonoured your family, by deviating from those rules, the observation of which induced their sovereigns at first to confer titles of distinction on your ancestors; and that you should prefer the mean ambition of being popular among thieves and pickpockets, and to stand as the champion of mischief, anarchy, and confusion. As to that part which reflects on the judges, they themselves would pass it over with that contempt which it deserves; but it highly concerns the good of the community, that the dignity of the law, and of the administration of justice, should be maintained against these attempts of ill-minded people, who endeavour to bring them into contempt. By endeavouring to asperse those who are entrusted with the administration of the laws, they at last are apt to bring the law itself into contempt, and to sap and undermine the foundation of all government. With regard to the second of these libels, it appears to be written with the same spirit of malevolence and wicked intention. Every good man is happy to see peace and tranquillity again restored to this kingdom, after having been engaged for a long time in a scene of wars with France and other powers. It has been the business of persons in this country to cement a friendly intercourse with the two nations by making a treaty of commerce, and by that means to obliterate the traces of former enmity. This you could not behold with satisfaction, and therefore, as far as in you lay, you have endeavoured to rekindle animosities between the two nations, by personal abuse on the sovereign of one of them. You

have supposed the Queen to be the head of a party, who had conducted themselves oppressively and tyrannically towards Count Cagliostro, who was supposed to be guilty of crimes which made himself obnoxious to the laws of his country. This was a high degree of insult on her Most Christian Majesty, and it was highly necessary to repress an offence of so dangerous a nature. Other nations who do not know how liberty, and particularly the liberty of the press, may be perverted in the hands of designing men, could not believe that such wicked publications could go forth without the connivance of the state where they were published; and well might they think so, were not the author dragged forth into public punishment. It is not in the power of the law to induce a man to the performance of virtuous and praise-worthy actions, to promote the happiness of his country and the good of his fellow-creatures; but it is in the power of the laws to restrain him for a time of that liberty which he has grossly abused. And we should ill discharge that trust which is committed to us, if we were not to secure the peace of the public, by imprisoning you for a certain time; and whatever our own feelings may be for your situation, we should be criminal if we were to give way too much to those feelings. Your crime consisting of two parts, the forms of law require a separate and distinct judgment; and you being brought into this court in the custody of the keeper of Newgate, in virtue of a rule of this court; and being convicted of composing and publishing a scandalous paper, called "The Prisoners Petition," and other scandals; this court does order and adjudge, that for your offence aforesaid you be imprisoned in his majesty's gaol of Newgate for three years, and be immediately remanded back to Newgate, in execution of the judgment aforesaid. And being convicted of trespasses, contempts, and misdemeanors against the royal consort of his Most Christian Majesty, and Mons. Barthelemy, this court does order and adjudge you to be fined in £500, and to be further imprisoned in Newgate for the space of two years, from and after the termination of the aforesaid judgment; and that you give security for fourteen years good behaviour, yourself in £10,000, and each of your sureties in £2,500."

Lord George suffered his term of imprisonment, and made two or three attempts to put in bail, but they were objected to as insufficient, and in consequence he remained in prison till 1793, when he was carried off by a goal fever which then prevailed in Newgate. He was a man of mild character, but on certain subjects so great an enthusiast, that the government and his family sought pretences for keeping him in confinement, and he fell a victim to their fears and jealousy. Expediency was preferred to the spirit of law and justice, and Lord George was the unhappy sacrifice.

MARIA ELEONORA SCHONING AND — HARLIN,
FOR CONFESSION OF PRETENDED MURDER, 1787.

MARIA ELEONORA SCHONING, was the daughter of a Nuremberg wire-drawer. She received her existence at the price of her mother's life, and at the age of seventeen she followed, as the sole mourner, the bier of her remaining parent. From her thirteenth year she had passed her life at her father's sick-bed, the gout having deprived him of the use of his limbs. The discharge of her filial duties occupied the whole of her time and all her thoughts. She was his only nurse, and for the last two years they lived without a servant. She prepared his scanty meal, she bathed his aching limbs, and though weak and delicate from constant confinement and the poison of melancholy thoughts, she had acquired an unusual power in her arms, from the habit of lifting her old and suffering father out of and into his bed of pain. Thus passed away her early youth in sorrow: she grew up in tears, a stranger to the amusements of youth, and its more delightful schemes and imaginations. Her dying father's last words, addressed to the clergyman who attended him, were his grateful testimony, that during his long and sore trial his good Maria had behaved to him like an angel: that the most disagreeable offices and the least suited to her age and sex, had never drawn an unwilling look from her, and that whenever his eye had met her's, he had been sure to see in it either the tear of pity, or the sudden smile expressive of her affection and wish to cheer him. God (said he) will reward the good girl for her long dutifulness to me!

Maria sate and wept by the grave, which now contained her father, her friend, the only bond by which she was linked to life. But while yet the last sound of his death bell was murmuring away in the air, she was obliged to return with two revenue officers, who demanded entrance into the house, in order to take possession of the papers of the deceased, and from them to discover whether he had always given in his income, and paid the yearly income-tax according to his oath, and in proportion to his property. After the few documents had been looked through and collated with the

registers, the officers found, or pretended to find, sufficient proofs, that the deceased had not paid his tax proportionably, which imposed on them the duty to put all the effects under lock and seal. They therefore desired the maiden to retire to an empty room, till the ransom office had decided on the affair. Bred up in suffering, and habituated to immediate compliance, the affrighted and weeping maiden obeyed. She hastened to the empty garret, while the revenue officers placed the lock and seal upon the other doors, and finally took away the papers to the ransom office.

Thus passed several days, till the officers returned with an order that Maria Eleonora Schoning should leave the house without delay, the commission court having confiscated the whole property to the city treasury. The father before he was bed-ridden had never possessed any considerable property; but yet, by his industry, had been able not only to keep himself free from debt, but to lay up a small sum for the evil day. Three years of evil days, three whole years of sickness, had consumed the greatest part of this; yet still enough remained not only to defend his daughter from immediate want, but likewise to maintain her till she could get into some service or employment, and have recovered her spirits sufficiently to bear up against the hardships of life.

A timid girl, whose past life had been made up of sorrow and privation, she went indeed to solicit the commissioners in her own behalf; but these were, as is mostly the case on the continent, advocates—the most hateful class, perhaps, of human society, hardened by the frequent sight of misery, and seldom superior in moral character to English pettifoggers or Old Bailey attorneys. She went to them, indeed, but not a word could she say for herself. Her tears and inarticulate sounds—for these her judges had no ears nor eyes.

Night came, and Maria knew not where to find a shelter. She tottered to the church-yard of the St. James' church in Nuremberg, where the body of her father rested. Upon the yet grassless grave she threw herself down; and could anguish have prevailed over youth, that night she had been in heaven. The day came, and like a guilty thing, this guiltless, this good being, stole

away from the crowd that began to pass through the church-yard, and hastening through the streets to the city gate, she hid herself behind a garden hedge just beyond it, and there wept away the second day of her desolation. The evening closed in: the pang of hunger made itself felt amid the dull aching of self-wearied anguish, and drove the sufferer back again into the city. Yet what could she gain there? She had not the courage to beg, and the very thought of stealing never occurred to her innocent mind. Scarce conscious whither she was going, or why she went, she found herself once more by her father's grave, as the last relict of evening faded away in the horizon.

The church-yards in most of the German cities, and too often, I fear, in those of our own country, are not more injurious to health than to morality. Their former venerable character is no more. The religion of the place has followed its superstitions, and their darkness and loneliness tempt worse spirits to roam in them than those whose nightly wanderings appalled the believing hearts of our brave forefathers! It was close by the new-made grave of her father, that the meek and spotless daughter became the victim to brutal violence, which weeping and watching and cold and hunger had rendered her utterly unable to resist. The monster left her in a trance of stupefaction, and into her right hand, which she had clenched convulsively, he had forced a half-dollar.

Guiltless, she felt the pangs of guilt, and still continued to grasp the coin which the monster had left in her hand, with an anguish as sore as if it had been indeed the wages of voluntary prostitution. Giddy and faint from want of food, her brain becoming feverish from sleeplessness, and this unexampled concurrence of calamities, this complication and entanglement of misery in misery! she imagined that she heard her father's voice bidding her leave his sight, and she fled from the church-yard as if a *dæmon* had been chasing her; and hurrying along the streets, through which it is probable her accursed violater had walked with quiet and orderly step to his place of rest and security, she was seized by the watchmen of the night—a welcome prey, as they receive in Nuremberg half a gulden from

the police chest, for every woman that they find in the streets after ten o'clock at night. It was midnight, and she was taken to the next watch-house.

The sitting magistrate, before whom she was carried the next morning, prefaced his first question with the most opprobrious title that ever belonged to the most hardened street-walkers, and which man born of woman should not address even to these, were it but for his own sake. The frightful name awakened the poor orphan from her dream of guilt, it brought back the consciousness of her innocence, but with it the sense likewise of her wrongs and of her helplessness. The cold hand of death seemed to grasp her, she fainted dead away at his feet, and was not without difficulty recovered. The magistrate was so far softened, and only so far, as to dismiss her for the present; but with a menace of sending her to the House of Correction if she were brought before him a second time. She formed the resolution of drowning herself in the river Pegnitz—in order (for this was the shape which her fancy had taken) to throw herself at her father's feet, and to justify her innocence to him in the World of Spirits.

As she was passing through the suburb, she was met by a soldier's wife, who during the life-time of her father had been occasionally employed in the house as a chare-woman. This poor woman was startled at the disordered apparel, and more disordered looks of her young mistress, and questioned her with such an anxious and heart-felt tenderness, as at once brought back the poor orphan to her natural feelings and the obligations of religion. As a frightened child throws itself into the arms of its mother, and hiding its head on her breast, half tells amid sobs what has happened to it, so did she throw herself on the neck of the woman who had uttered the first words of kindness to her since her father's death, and with loud weeping she related what she had endured and what she was about to have done, told her all her *affliction and her misery, the wormwood and the gall!* Her kind-hearted friend mingled tears with tears, pressed the poor forsaken-one to her heart; comforted her with sentences out of the hymn-book; and with the most affectionate entreaties conjured her

to give up her horrid purpose, for that life was short, and heaven was for ever.

A place of shelter she had attained, and a friend willing to comfort her, all that she could : but the noble-hearted Harlin was herself a daughter of calamity, one who from year to year must lie down in weariness and rise up to labour ; for whom this world provides no other comfort but the sleep, which enables them to forget it ; no other physician but death, which takes them out of it !

For one whole year the orphan lived with the soldier's wife, and by their joint labours barely kept off absolute want. But now came the second winter, and with it came bad times, a season of trouble for this poor and meritorious household. The wife now fell sick : too constant and too hard labour, too scanty and too innutritious food, had gradually wasted away her strength. Maria redoubled her efforts in order to provide bread, and fuel for their washing which they took in ; but the task was above her powers. Besides, she was so timid and so agitated at the sight of strangers, that sometimes, with the best good-will, she was left without employment. One by one, every article of the least value which they possessed was sold off, except the bed on which the husband lay. He died just before the approach of spring ; but about the same time the wife gave signs of convalescence. The physician, though almost as poor as his patients, had been kind to them : silver and gold had he none, but he occasionally brought a little wine, and often assured them that nothing was wanting to her perfect recovery, but better nourishment and a little wine every day. This, however, could not be regularly procured, and Harlin's spirits sank, and as her bodily pain left her she became more melancholy, silent, and self-involved.

In the beginning of March, one bitter cold evening, Maria started up and suddenly left the house. The last morsel of food had been divided betwixt the two children for their breakfast : and for the last hour or more the little boy had been crying for hunger, while his gentler sister had been hiding her face in Maria's lap, and pressing her little body against her knees, in order

by that mechanic pressure to dull the aching from emptiness. The tender-hearted and visionary maiden had watched the mother's eye, and had interpreted several of her sad and steady looks according to her preconceived apprehensions. She had conceived all at once the strange and enthusiastic thought, that she would in some way or other offer her own soul for the salvation of the soul of her friend. The money, which had been left in her hand, flashed upon the eye of her mind, as a single unconnected image: and faint with hunger, and shivering with cold, she sallied forth—in search of guilt! It was a night so wild with wind and rain, or rather rain and snow mixed together, that a famished wolf would have stayed in his cave, and listened to a howl more fearful than his own.

At this moment her perturbed fancy suddenly suggested to her a new mean for the accomplishment of her purpose: and she replied to the night-watch, who with a brutal laugh bade her expect on the morrow the unmanly punishment, which to the disgrace of human nature the laws of Protestant states (alas! even those of our own country) inflict on female vagrants, that she came to deliver herself up as an infanticide, she was instantly taken before the magistrate, through as wild and *piti- less a storm* as ever pelted on a houseless head! through as black and "*tyrannous a night*," as ever aided the workings of a heated brain! Here she confessed that she had been delivered of an infant by the soldier's wife, Harlin, that she deprived it of life in the presence of Harlin, and according to a plan preconcerted with her, and that Harlin had buried it somewhere in the wood, but where she knew not.

When the soldier's widow was confronted with the orphan, and the latter had repeated her confession to her face, Harlin answered in these words, "For God's sake, Maria! how have I deserved this of *thee*?" Then turning to the magistrate, said, "I know nothing of this." This was the sole answer which she gave, and not another word could they extort from her. The instruments of torture were brought, and Harlin was warned, that if she did not confess of her own accord, the truth would be immediately forced from her. This menace convulsed Maria Schoning with affright: her intention had been

to emancipate herself and her friend from a life of unmixed suffering, without the crime of suicide in either, and with no guilt at all on the part of her friend. The thought of her friend being put to the torture had not occurred to her. Wildly and eagerly she pressed her friend's hands, already bound in preparation for the torture—she pressed them in agony between her own, and said to her, “Anna! confess it! Anna, dear Anna! it will then be well with all of us! all, all of us! and Frank and little Nan will be put into the Orphan House!” Maria's scheme now passed, like a flash of lightning, through the widow's mind, she acceded to it at once, kissed Maria repeatedly, and then serenely turning her face to the judge, acknowledged that she had added to the guilt by so obstinate a denial, that all her friend had said, had been true, save only that she had thrown the dead infant into the river, and not buried it in the wood.

They were both committed to prison, and as they both persevered in their common confession, the process was soon made out, and the condemnation followed the trial: and the sentence, by which they were both to be beheaded with the sword, was ordered to be put in force on the next day but one. On the morning of the execution, the delinquents were brought together, in order that they might be reconciled with each other, and join in common prayer for forgiveness of their common guilt.

Serene and with unaltered countenance the lofty-minded Harlin heard the strokes of the death-bell, stood before the scaffold while the staff was broken over her, and at length ascended the steps, all with a steadiness and tranquillity of manner which was not more distant from fear than from defiance and bravado. Altogether different was the state of poor Maria: with shattered nerves, and an agonizing conscience that incessantly accused her as the murderess of her friend, she did not walk but staggered towards the scaffold, and stumbled up the steps. While Harlin, who went first, at every step turned her head round and still whispered to her, raising her eyes to heaven,—“but a few minutes, Maria! and we are there!” On the scaffold she again bade her farewell, again repeating, “Dear Maria! but one minute now, and we are together with God.” But

when she knelt down and her neck was bared for the stroke, the unhappy girl lost all self-command, and with a loud and piercing shriek she bade them hold and not murder the innocent. "She is innocent! I have born false witness! I alone am the murderess!" She rolled herself, now at the feet of the executioner, and now at those of the clergymen, and conjured them to stop the execution: that the whole story had been invented by herself; that she had never brought forth, much less destroyed, an infant; that for her friend's sake she made this discovery; that for herself she wished to die, and would die gladly, if they would take away her friend, and promise to free her soul from the dreadful agony of having murdered her friend by false witness. The executioner asked Harlin, if there were any truth in what Maria Schoning had said. The heroine answered with manifest reluctance: "most assuredly she hath said the truth: I confessed myself guilty, because I wished to die, and thought it best for both of us: and now that my hope is on the moment of its accomplishment, I cannot be supposed to declare myself innocent for the sake of saving my life—but any wretchedness is to be endured rather than that poor creature should be hurried out of the world in a state of despair."

The outcry of the attending populace prevailed to suspend the execution: a report was sent to the assembled magistrates, and in the mean time one of the priests reproached the widow in bitter words for her former false confession. The other clergyman, however, was both more rational and more humane. He succeeded in silencing his colleague, and the former half of the long hour, which the magistrates took in making speeches on the *improbability* of the tale instead of re-examining the culprits in person, he employed in gaining from the widow a connected account of all the circumstances, and in listening occasionally to Maria's passionate descriptions of all her friend's goodness and magnanimity.

The messenger came back with an order from the magistrate—to proceed with the execution! With re-animated countenance Harlin placed her neck on the block, and her head was severed from her body amid a general shriek from the crowd. The executioner fainted after the blow, and the under hangman was

ordered to take his place. He was not wanted. Maria was already gone: her body was found as cold as if she had been dead for some hours. The flower had been snapt in the storm, before the scythe of violence could come near it.

RENWICK WILLIAMS,
COMMONLY CALLED THE MONSTER.
FOR CUTTING AND MAIMING, 1790.

IN the summer of 1790, the females of London were thrown into a general affright, and the men into chivalrous indignation, by the circumstance of several women having been cut and wounded in the street, by some man who made a sudden escape as soon as he had perpetrated the acts. No woman in consequence ventured into the streets at night, particularly alone; and to apprehend "the Monster," as he was denominated, large rewards were offered; and a young man of the name of Renwick Williams, of an effeminate appearance, and romantic and half-crazy character, was at length apprehended; and at the sessions at the Old Bailey, in July 1790, was tried upon the statute of 6th George I. for assaulting Miss Ann Porter on the king's highway, and feloniously and maliciously intending to cut and destroy her clothes: there was another count for cutting and tearing her clothes.

Mr. Pigott, leading counsel for the prosecution, stated the case with great precision.

Miss Ann Porter, the prosecutrix, was the first witness. She said, that on the 18th of January last she left the ball room at St. James's, at a quarter past eleven o'clock at night, and went towards her father's house, accompanied by her sisters, and a Mrs. Meale. As she was passing the rails of the house, she received a violent blow on her hip, and, turning round, saw the prisoner stoop down; she knew it was him, having seen his person before, and having been previously insulted by him with language too shocking to repeat. These previous insults she had received from him in the day-time three or four times, and therefore she took particular notice of him. After having assaulted her, he came by the

rails of the door, stood close to her, and stared her full in the face. Her upper and under garment were cut, and she was terribly wounded by some extremely sharp instrument. She saw the prisoner afterwards in St. James's Park, on the 13th of June, when she pointed him out to Mr. Coleman. She was then desired to look at the prisoner at the bar, which she did, and positively declared he was the man who had assaulted her; she had suffered so much from him, that she could not be mistaken in his person, which had left a strong impression on her mind.

Miss Sarah Porter was then called, and desired to look at the prisoner. She said, she had seen him previous to the 18th of January, he having followed close behind her while she was walking, and, leaning his head towards her shoulder, uttered the most horrid language. She saw him in St. James's-street about a quarter past eleven o'clock, while in company with her sister Ann; he was standing with his back towards them as they passed, but some chairmen coming by, said, "By your leave, ladies;" upon hearing which the prisoner instantly turned round, and, perceiving the witness, exclaimed, "Oh! oh!" and gave her a violent blow on the back of her head. The witness then desired her sister to run away, saying, "Don't you see *the wretch* is behind us?" the name by which they had distinguished him. This witness confirmed the testimony of her sister as to the assault in question, and swore positively to the identity of the prisoner's person, from her having frequently been followed and insulted by him.

Misses Rebecca and Martha Porter also confirmed the evidence of their sister, the prosecutrix, and proved the identity of the prisoner, they having both seen him several times before the queen's birth-day, and came in for a share of his obscene language.

Mr. John Coleman was then examined. He said, that being in company with the Misses Porter, in St. James's Park, on the 13th of June last, and being told that the man who had assaulted the prosecutrix had just passed them, he immediately followed the prisoner, who, suspecting he was followed, walked on very fast. He pursued him through different streets, looking full in his face, and doing every thing to affront him, in order that he might provoke him to altercation; but the prisoner

would not take any affront, bearing patiently every insult offered. The witness felt himself in some agitation, and was at a loss to know what means he should adopt, as he did not think it prudent to charge him directly with being *the Monster*. He was, however, determined to pursue him; and upon the prisoner's at last going into the house of a Mr. Smith (after knocking at two or three doors), he followed him, and asked Mr. Smith, in the presence of the prisoner, who he was, and, immediately apologizing for this question, said he must beg the prisoner to give him his address. Mr. Smith and the prisoner wished to have some reason assigned for this question; upon which the witness answered, he was told that the prisoner had insulted some ladies. The prisoner replied, he had never insulted any lady, and, after some little conversation, gave the witness his address, which was, "Mr. Williams, No. 52, Jernynstreet,—the house where the prisoner's mother lived, and almost close to his own lodgings. The witness, upon seeing the name Williams, said, "Good God! I think I know you." To which the prisoner answered, "I think I know you." The witness then expressed his surprise, that he had not recollected him while he was following him, although he looked in his face so often; to which the prisoner said, "And it is surprising that I should not have known you." The witness informed the court, that he had seen him several times at some assembly room.

After exchanging addresses, they went out together from Mr. Smith's House, and the witness took leave of the prisoner; but in a few minutes afterwards he thought he had acted wrong in leaving him; he therefore pursued and overtook him, saying, he should not be satisfied, unless he would accompany him to the ladies. The prisoner, after expressing his wish to meet the witness at some coffee-house, was at length prevailed upon to go with him to Miss Porter's; and upon his entering the parlour, two of the young ladies instantly fainted away, saying, *That is the wretch*. The prisoner said, the ladies' behaviour was very strange, and he hoped they were not so prejudiced against him as to take him for the man that had been advertised. He did not appear to be the least agitated.

The prosecutrix's clothes were produced in court. They were cut quite through, from the bottom up to the waist.

M'Manus searched the prisoner's lodging, which was at the George public-house, Bury-street. It was a garret, in which were two beds in the front room, and two in the back, but only one door into both apartments. He found a white coat, a pair of boots, and an old hat.

Mr. Tomkins, a surgeon, proved the wound the prosecutrix had received, which was inflicted with an extremely sharp instrument. It was three or four inches deep, and about nine or ten in length.

In his defence, the prisoner lamented the hardship of his case. He said, he had no satisfaction under the load of reproach and calumny that had been thrown upon him by popular prejudice, proceeding from a fatal mistake made by his prosecutors, but conscious innocence. He had been already prematurely convicted; but he trusted the evidence he should adduce would make his innocence manifest.

Many witnesses were then called to prove an *alibi*;—but there were some circumstances stated by these witnesses in which they contradicted each other, especially as to the time Michelle was at home in the afternoon, and the looking at the clock when the prisoner went home on the queen's birth-night; but they all swore that he did not go away before half-past twelve o'clock.

Seventeen witnesses were called to the prisoner's character, some of whom were very handsome women. They all gave him a most excellent character for good-nature, humanity, and kindness to the fair sex in particular.

Mr. Justice Buller summed up the whole of the evidence with his usual abilities, accompanied by numberless apposite observations. He said, if the jury should pronounce the prisoner guilty, he should reserve the question of law, as it was a new case, for the opinion of the twelve judges.

The jury pronounced the prisoner *Guilty*.

The Judge then respited judgment till the next December Sessions, and ordered the recognizances on the other prosecutions to be respited till that time, in order that the opinions of the judges might be obtained.

On November the 17th, at Serjeants-Inn-Hall, eleven of the judges consulted upon the case reserved at the Old Bailey Session, respecting the indictment against Renwick Williams, the supposed *Monster*.

The questions were, first, Whether his having an intention to cut the person of Miss Porter, and in carrying that intention into execution, cutting the garments of that lady, is an offence within the statute of 6 Geo. I. c. 23. s. 11. on which he was convicted; the jury giving in their verdict found, that in cutting her person he had thereby an intention to cut her garments? Secondly, Whether, the statute being in the *conjunctive*, "That if any person shall assault another with an intent to cut the garment of such person, *and* shall cut the garment of such person, then the offender shall be guilty of felony;" and the indictment, in stating the intention, not having connected it with the act, by inserting the words that he "*then and there*" did cut her garment, could be supported in point of form?

Nine of the eleven judges were of opinion, that the offence, notwithstanding the finding of the jury, was not within the statute, and that the indictment was bad in point of form. This determination declares the offence to be only a misdemeanour, for which Williams was indicted at the next session at Hicks's-Hall.

On December the 8th the session at the Old Bailey was opened, and Renwick Williams was put to the bar. Judge Ashurst spoke nearly to the following purport:

Prisoner, you have been capitally indicted upon the statute of the 6th of Geo. I. for that you did on the 18th of January last, in the parish of St. James's, wilfully and maliciously assault Ann Porter, and that you did, with force and arms, tear, spoil, cut, and deface her garment, namely, a silk gown, and other apparel; and the jury have found you guilty; but your counsel have arrested the judgment upon two grounds; *first*, to the form of the indictment; *secondly*, to the applicability of the act of parliament to your particular offence. A majority of the judges have, after solemn consideration, determined that both the objections in arrest of judgment are well founded. The objection to the words of the indictment, that you did *then and there* make an assault, and cut and tear Ann Porter's garment, being stated to be done both at one and the same time, is bad in law, for the assault might be made at one time and place, and the cutting and tearing at another. In framing indictments upon acts of parliament which affect life, the law requires that the utmost precision should be observed. With respect to the second objection, namely, that

your crime is not within the intent of the act, it is considered that the act is made for a particular purpose, that of wantonly cutting, tearing, &c. for the mere sake of mischief, and not with any previous malicious intention. Now an assault, cutting, &c. must have such a premeditated intention, and therefore the indictment is not within the purview of the act. But although the lenity of the law has so far judged favourably of your case, yet God forbid that the common law of the land should not reach such an enormity as you have committed, and that you should not be punished for your temerity: you are therefore to be remanded, to take your trial for the misdemeanour at common law.

The prisoner then spoke as follows:

My Lord,—After a confinement of six months, as disgraceful as it has been distressing to me, I feel little satisfaction at the interpretation of a statute, which has neither cleared my character as a man, nor established my innocence in the eye of justice. Alas! my lord! I am only reserved for severer trials. Though the *letter* of the law may not apply to the cruel conviction I have suffered, prejudice but arms justice with new whips, to scourge me—my case remains the same that it ever did; the very same that it was five months ago. I have *no new evidence* to offer. Such of the family as were *present with me in Dover-street* when Miss Porter was wounded, have already given their testimony: that testimony has not been credited. As it was the *true*, and being on that account the *only one* I had to produce, if it did not avail me *then*, it will not avail me in *future*. Much as I have been abused and libelled in the public prints, and bad as an unjust and persecuting world is disposed to think of me, I will neither bring people to perjure themselves by swearing to a different *alibi*, nor by pleading *not guilty* will I be the cause of *more perjury* among my persecutors. My innocence, however, has not wanted for advocates; one gentleman in particular, after whose publication were I to stand another trial with the same people, the same perjury that pushed them on to convict me before, would only be multiplied with new force, for the purpose of strengthening those very weaknesses which the learned gentleman, in his letter to the judge who tried me, has so fully pointed out; and, therefore, my lord, I do not feel the least exultation in discovering, that after a cruel and bitter confinement of six months, I only exchange a less misery for a greater.——Good God! for what am I reserved! Without friends, without money, either to support me in my difficulties, or to enable me to stand another trial with those whom *reward has enriched*, and whose cause has made friends of all men—it is impossible that a poor and helpless individual should struggle with the storm, or convince those who are *determined they will not be convinced*.

My lord, I stand an instance of singular misfortune, that while my passion for the sex had nearly ruined me, a sanguinary charge of a nature directly opposite should complete my destruction. I have now nothing to hope or to look for in this world: to my God alone (to whom my innocence is known, and whom in *this*

instance at least I have not offended) I turn for comfort and support, though justice be denied here. A Father so kind and merciful will not refuse it me, as I demand it of my persecutors on that great day, when the judges of this world will themselves be tried. Had it been his gracious will, most cheerfully should I have sought, among savages, in a barbarous country, that protection which has been denied me here.

On the 13th he was taken from Newgate to the Sessions House on Clerkenwell Green, and put on his trial.

Mr. Pigott opened on behalf of the crown, and told the jury that the indictment was for an *assault* and *battery* only.

The evidence of Miss Ann Porter and her sister was then given. It was in substance the same as that delivered on the former trial. All the other evidence was in the same state.

At half past one next morning the cause ended; and the jury, after consulting ten minutes, found him *Guilty*.

He was convicted on two other indictments, and sentenced to six years' imprisonment; which he suffered.

GEORGE BARRINGTON,

FOR PICKING A POCKET, 1790.

For many years George Barrington wore the palm among the pick-pockets of London; and his skill and address are still subjects of anecdote and characteristic illustration: he always dressed as a gentleman, kept good company, and contrived to commit his depredations on his genteel friends in their unguarded moments. He was several times taken before the magistrates, and more than once tried at the Old Bailey, but by some defect of evidence, or by his ingenious addresses to the jury, contrived to get discharged.

At length, at the Old Bailey Sessions, September 17, 1790, he was put to the bar, indicted for stealing a gold watch, the property of H. H. Townsend, esq. at Enfield races. He was very genteely dressed. He challenged one of the jury, a Mr. Mist, peremptorily, which was allowed.

Mr. Townsend gave a very clear and decisive evidence of his losing his watch from his waistcoat pocket;

that as he was leading his horse to the post, some person pushed by him in a violent manner, twice. That on being shewn him, by a Mr. Blades, as Barrington, he recognized him as the person who had pushed by him, and immediately secured and carried him to a booth. Here it was proved by several witnesses that Barrington dropt a watch behind him, which was taken up immediately, and proved to be Mr. Townsend's. Some of the witnesses saw the watch falling from him, and were positive it could come from no other quarter.

Barrington being now called upon for his defence, said,

I am placed in a very distressing situation; if I am silent, it may lead to an opinion of my guilt; if I speak too boldly, it may occasion the jury to distrust any thing which I may advance; on either side I am likely to be involved in some danger. I hope, however, that the gentlemen of the jury, adverting only to the present affair, will indulge me with some favour, and credit that which wears the semblance of truth.

The evidence adduced against me is, in many parts, defective and inconsistent. When Mr. Townsend came up to me at Enfield races, he said my name was Barrington, and that I had robbed him of his watch. I answered him, that in the first he was right, but that as to the robbery he was perfectly wrong. I was then, amidst a great tumult, conveyed to the booth; and a very great misfortune it is for me that you have not seen that booth, and might thereby be enabled to judge how probable it is that another person might drop the watch over the rails.

I was standing close to the rails when the watch was claimed, and am sorry that this material part should be varied by the evidence.—The coachman said before Justice Hubbard, that he did not see it fall, and the probability that he would have called out if he had, tended very much to invalidate his evidence. He was asked before Mr. Hubbard, whether he could swear to the watch; and although he at that time declined it, yet he now comes forward, and positively affirms what he had before doubted.

From Mr. Townsend's situation, who was anxious, amid a crowd, to caress a winning horse, it is more than probable that in the squeezing his watch might either have tumbled out of his pocket, or might have been taken by some person, who, feeling for my situation when forcibly detained in the booth, might have thrown it at my feet, to save an innocent man.

I am sensible that common report has injured my character, and it may well be expected that the assertions in newspapers have considerably hurt my reputation for integrity: of this I am conscious that many now present are convinced; but I can, however, trust my fate to the noble nature of a British court. Life is the gift of God—liberty the greatest blessing, and they cannot

rest more secure than in the breast of an English jury, who delight not in blood, but whose only failing is—humanity.

It is probably expected that I shall make an appeal to the passions—and if I can be thought with justice to appeal to them, I will think myself fortunate; for to the passions we owe benevolence, the best of virtues.

I am now just thirty-two years of age, and from the enjoyments of my past life I am not very impatient about the other thirty-two years which I may reasonably suppose to come: the uncertainty of human happiness I have often remarked, and have always considered a tranquil heart as the greatest blessing:—the thought of death may appal the rich, but it is not so hideous in my eyes, who have been continually involved in misery.

I have an affectionate companion, and an infant offspring, whose countenances have cheered me through all my misfortunes: my good name is lost in this land; but should I be so happy as to overcome the present accusation, I will retire to some far distant land, where simplicity of manners will not render me a subject of suspicion, and rather starve upon the pavement than be brought into this predicament again.

If the Gentlemen of the jury think me innocent of the present accusation, I pledge myself to endeavour to recover my lost character; and I hope, that by my conduct my future life will as largely deserve applause, as my past has been subject to censure and suspicion.

Baron Eyre then proceeded (no evidence whatever being offered on behalf of the prisoner) to recapitulate the evidence, which he did with the utmost precision and impartiality, and the jury, with little or no hesitation, brought in their verdict—*Guilty!*

The Lord Chief Baron then addressed Barrington in a manner that reflected the highest honour upon him. He observed to him, that during the whole of his trial he had behaved to him with the same impartiality as if he had never before seen him at that bar. The event, however, being over, and there being no danger of prejudicing him in the minds of those who heard him, he could not help reminding him, that he had just escaped, by the lenity of his prosecutor, that fate which the offended laws of his country had richly demanded. He was sorry to see talents such as he possessed so basely and so shamefully prostituted; and he could not help expressing his fears, that from the many ineffectual warnings he had had, both in his own person and a thousand other instances, he would, notwithstanding, persist in his evil courses, till he should meet with a shameful and ignominious termination of his existence.

Barrington bowed, and retired.

The court having concluded the trials, the convicts were brought up on the 20th and received their respective sentences.

Amongst them was George Barrington for transportation. Upon receiving his sentence, he called the attention of the court to the following speech:

My Lord,—I have much to say in extenuation of the crime for which I stand convicted; but, upon consideration, I will not arrest the attention of the court too long. Amongst the extraordinary vicissitudes incident to human nature, it is the peculiar and unfortunate lot of some persons to have their best wishes and most earnest endeavours to deserve the good opinion of society entirely frustrated; whatever they say or do, every action and its motive is misinterpreted and twisted from the real intention; that this has been my fate, does not stand in need of any confirmation. Every effort to deserve well of mankind, that my heart bore witness to its rectitude, has been constantly thwarted and rendered abortive. Many of the circumstances of my life have therefore happened in spite of myself.

The world has given me credit for abilities, indeed much more than I deserved; but I have found no kind hand to foster those abilities. I might ask, Where was the generous and powerful hand that was stretched forth to rescue George Barrington from infamy? In an age like this, which in many respects is so justly famed for liberal sentiments, it was my hard lot that no noble-minded gentleman stepped forward and said, "You are possessed of abilities which may be useful to society. I feel for your situation, and as long as you act the part of a good citizen I will be your protector; you will then have time and opportunity to rescue yourself from the obloquy of your former conduct." Alas, my lord! George Barrington had never the supreme felicity of having such comfort administered to his wounded spirit.

As it is, the die is cast, and I bend to my fate without one murmur or complaint.

Mr. Barrington then bowed most respectfully to the court, the jury, and the auditory, and withdrew from the public scene—for ever.

EDWARD LOWE AND WILLIAM JOBBINS,

FOR ARSON,* 1790.

EDWARD LOWE and William Jobbins were indicted for that they, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 16th

* The scene of the horrible crime detailed in this trial, was the southern end of Aldersgate-street. Two of the wretches, who had taken up their abode at the Red Lion public-house, contrived to gain access to the hay-loft, while smoking a pipe, by which means they soon set the building in flames. The conflagration

day of May, 1790, at the parish of St. Botolph without, Aldersgate, feloniously, wilfully, and maliciously, did set on fire and burn the dwelling-house of Francis Gilding, there situate, against the form of the statute and against the King's peace.

The case was opened by Mr. Fielding, and the pardon of James Flindall was read.

James Flindall sworn.

Do you remember the fire in Aldersgate-street, in May last?—Yes, it was on the 16th of May, of a Sunday morning; the prisoners and me had been in company at Lowe's house and several other places.

Who were the persons who set fire to that house?—Edward Lowe and William Jobbins, the two prisoners at the bar, and myself.

Where was it, and at what time, that it was first proposed to do it?—On Wednesday, the 12th day of May, at Edward Lowe's house.

What passed?—On Wednesday, the 12th of May, Edward Lowe and William Jobbins, in company with me, met at Lowe's house in Hartshorn-court, Golden-lane. William Jobbins then proposed to us that he had pitched on Mr. Gilding's and Mr. Berry's as proper places to be set on fire in Aldersgate.

For what purpose were they to be set on fire?—With the intent for us to plunder the inhabitants while in the confusion.

When did you meet again?—On Thursday, at the Sun ale-house, Cow-cross; Timothy Barnard was there likewise. We acquainted Barnard with the proposal, and Barnard went with me to Aldersgate-street; we left the two prisoners at the Sun at Cow-cross.

For what purpose did you go?—With an intent to shew Barnard Mr. Gilding's house; we went through the Red Lion yard which goes through into Carthusian-street.

Did you observe any thing in the inn-yard?—There was a cart unloading trusses of clover into a hay-loft, which adjoined to Mr. Gilding's warehouse, he was a cabinet-maker, with very extensive premises; Timothy Barnard then proposed this hay-loft

gration extended to the spot at which Long-lane crosses Aldersgate-street, where the criminals were executed; and to commemorate their crime, and mark the detestation of mankind, the following inscription was engraven on a stone, and affixed on the front of one of the rebuilt houses.

Near this spot

On Saturday, the 20th of November, 1790,

The two incendiaries were executed,
who wilfully set on fire,

On the 16th of May, in the same year,
Several houses which stood

On the ground, and occasioned

A loss of upwards of £40,000;

For no other purpose

Than to plunder the sufferers.

as a proper place to be set on fire, as it would soon communicate to Mr. Gilding's dwelling-house and warehouse, and he said, the clover not being bound so tight as hay, would burn and blaze up, then Barnard and me returned to the Sun ale-house, Cow-cross, it might be about two o'clock, Lowe and Jobbins were there; we then told them that we had been to the place, and that Barnard had pitched on the hay-loft to be set on fire; Barnard proposed to get some turpentine wood at the corner of the court where he lived, which being put in among the clover would soon blaze up; it was then agreed to meet Barnard at ten that evening, at his house in Pear-tree-court, Clerkenwell, and we went away about five o'clock; we accordingly met there at that time; in the mean time, I directed Mrs. Lowe to get a penny-worth or two of spirits of turpentine, for the two prisoners and me went to Lowe's house and Barnard went home; we then went out to get some money, we went out a thieving, but we did not get any, then we went to Barnard's at ten o'clock: before we went out a thieving, the turpentine which Mrs. Lowe bought was mixed up by me, and Lowe, and Jobbins, and his wife, with some rags and paper, and put into a glove with some matches; when we went to Barnard's, he was at home in company with his wife, when we went in, he said, he had some very good turpentine wood, and me and him put some into each of our pockets, it was old turpentine barrels cut up; we all four went from Barnard's house to Shoe-lane, with an intent to set fire to Mr. Miller's printers joiner's shop, which was in the back part of his house, that did not have the desired effect; we went from there to Mr. Nash's, a coachmaker's, in Worship-street, Moorfields; I gave Lowe and Jobbins some wood out of my pocket, and they went to set fire to the stables, which soon went out; then we came away, and Barnard and Jobbins went away separately; I lodged with Lowe, and Lowe and me went to Lowe's house to bed, about eight or nine in the morning, we staid there till between two and three in the afternoon of Friday, then me and Lowe went to the Sun in Cow-cross, Jobbins was there, we then proposed to Jobbins and another man that was there, one James Bond, to go out a thieving, we did so, but did not succeed; Barnard was not with us, we staid till about nine at night, and I left them in Old-street, and went to Lowe's house to desire Mrs. Lowe to get some turpentine, and then came back to them in Old-street, and told them; then we all, Lowe, Jobbins, Bond, and me, went in company to a court in Long-lane, which comes to the back part of a stable which adjoins Mr. Gilding's premises, Edward Lowe at that time had two picklock keys in his pocket, with intention to open the padlock that is on the stable-door, but could not, and therefore could not get the combustibles in, two patrols were coming past the court and they laid hold of the two prisoners, they were taken to the watch-house; I cannot say the names of the patrols, in the morning they were taken to the houses of their respective fathers; I went home to Lowe's house: I never saw Bond afterwards. On the Saturday morning I got up at eleven, and went to the Sun ale-house, Cow-cross,

Barnard was there; I then proposed to Barnard to go that night to set Mr. Gilding's house on fire; at that time the prisoners were not there; Barnard left me, and I continued at the Sun ale-house till five o'clock, when Jobbins came in, me and Jobbins continued till eight o'clock, when Lowe came; Lowe said he had been at work at his father's all day. Lowe and Jobbins went out in company with me a thieving, we had no success, and returned to Lowe's house about ten in the evening; Mrs. Lowe went out, and brought some spirits of turpentine in a phial, I cannot say whether she brought them in that night, or the night before; then, with the assistance of Mrs. Lowe, Lowe, Jobbins, and me, mixed some rags with spirits of turpentine, and got some matches and turpentine wood, which Mrs. Lowe bought a pennyworth of; it was not barrels, but the best we could get, and we put them altogether into a glove, and the wood was put, some into my pocket and some into Jobbins's; it was eleven o'clock by that time, and we three went to the Nag's Head, in Aldersgate-street; we left Mrs. Lowe at home, but ordered her not to go to bed, for if she should be called to come and assist us in taking away the plunder. We had three or four pots of beer, and two half pints of gin, and a paper of tobacco. We staid there till half past twelve, and the landlord refused to draw us any more liquor; that was one of the houses that was burned down that night. We three went out of the house with each of us a pipe in our mouths alight, in order to light the matches, and set fire to Mr. Gilding's premises. A stranger to us, a customer, came out at the same time we did; we four went to Carthusian-street, down that street, and by that time two of our pipes were broken; we went to the back gates of the Red Lion inn yard, which are in that street. The prisoner Jobbins got over the gates with a pipe in his mouth, which was the only remaining one, and in getting over, the pipe was knocked out; I got over directly after Jobbins, and he gave me the pipe; the gate is an old wooden gate with holes in it; I gave Lowe the pipe through the hole to get lighted, and he returned with it to me lighted, but in the mean time, Jobbins went down the yard, and placed a ladder, which he found near the hay-loft, against the hay-loft door, which was the hay-loft pitched on by Barnard and me; then Lowe returned with the lighted pipe, and gave it me through the gate; I then went down the Red Lion inn yard with the pipe, and gave it to Jobbins at the end of the ladder, the pipe went out as before; he gave me the pipe again, and I returned it to Lowe, which he lighted again, and handed to me through the gate, and at the same time he gave me some matches, which I gave to Jobbins with the pipe. I then went down the yard with Jobbins to the stable; then Jobbins went up the ladder with the pipe in his mouth, and the matches in his hand, into the clover-loft, when he lighted the matches and set fire to the combustibles which he had laid before, in my absence, among the clover hay: when I went for the pipe, I saw him go up the ladder; the combustibles soon blazed up. Jobbins and me came back and got over the gates of the Red Lion yard, into Carthusian-street; Lowe was then

waiting at the gates, and desired me to go to his house for his wife, the fire then blazed. I went to Lowe's house, and found Mrs. Lowe laying down in her clothes; she returned back with me to the fire, which was then burning very rapidly; Mrs. Lowe and me returned in about twenty minutes. I left Lowe and Jobbins at the fire. We then went down through the Red Lion yard, where Lowe was in a house bringing out boxes and things; the alarm of fire had been given, and people assisting: I then assisted with Jobbins, and Lowe, and Mrs. Lowe, to carry away the things that came out of the houses; I carried several things away into Aldersgate-street-buildings, in company with Lowe and Jobbins, they were left in the buildings in the care of a watchman; I then went back again to Mr. Gildings, which was on fire, this was about an hour and a half after the first blaze; I went up into Mr. Gilding's dining-room, and brought down a vase case containing about two dozen silver table spoons; there was one gravy spoon and about a dozen dessert spoons. I went through the mob with it under my arm to an inn yard, took out the spoons and put them in an handkerchief, and threw the case under the gateway. I then went home with the spoons and the handkerchief to Lowe's house, in Hartshorn-court, Golden-lane, Old-street, about five or ten minutes walk from the fire; I put them in a cup-board under the stairs, on the right hand side. I then returned back to the fire, and the prisoners had brought a great many things from different houses into Aldersgate-street-buildings: I met Lowe coming with two drawers, which he carried to the buildings; I proposed to call Barnard then, and left Lowe and Jobbins at the fire, and went to Timothy Barnard's house, he came out directly as I knocked. Barnard came with me to the fire, I shewed him the property in Aldersgate-street-buildings; he said, "Here is something like, indeed!" then Lowe came, and Lowe and me desired Barnard to fetch a cart, and I left Lowe to mind the things, whilst I went with Barnard to fetch a cart; we could not get one, and came back to Lowe, then Barnard proposed to us, to get what things away we could without a cart; and Lowe brought the two drawers I met him with before, which were the property of Mr. Gilding, on his head, to the bottom of the buildings, and took them towards Sutton-street, in the way to Barnard's house, and he desired Barnard and me to follow him, which we accordingly did; he then carried them into St. John-street, near Sutton-street, and Barnard then lifted them off Lowe's head on to mine, and Barnard then desired me to follow him to his house. I followed Barnard till I came to New Prison Walk, which is near his house; Lowe and Barnard accompanied me, where I was stopped by an officer, named Mr. Lucy, with the two drawers on my head; Barnard walked off directly, and Lowe stood still by me, and was brought in afterwards, by Lucy, to the New Prison. There was a blanket over the drawers to prevent people seeing what they were; Lowe and me were committed for trial; on the Sunday, Mrs. Lowe came to the prisoner Lowe and me, and brought us fourteen shillings, which, in the presence of Lowe, she said was part of

the price of four spoons, which she said she had received of Jobbins, as part of a guinea which the four spoons fetched, that was our two-thirds of the guinea, the other seven shillings belonged to Jobbins; she said Jobbins told her he had sold them in Chancery-lane, but would not tell where. Jobbins was usually called by us, the Little Doctor. I then told her to go home, and she would find in the cupboard, under the stairs, some silver spoons, which these four were a part of. The next day she returned to me and Lowe, and brought us three pounds fifteen shillings, which she said was the money she had received for the spoons, of Mr. Samuel, a Jew, whom we knew, and she never gave me any of the money, but took out a pair of stockings for me from pawn, that was two shillings; then we were committed to Newgate, and I had at different times a few shillings, and some victuals that I had, she paid for. The bill was not found against Lowe; I was tried, convicted, and have received my pardon.

What has been the course of your life for these last three years; has it not been a course of robbery and plunder?—No, not three years.

How much of the three years?—About two years.

How often have you been in custody, during that time, on various accusations?—Once before within the two years.

Did not you fear that the plan of burning houses might be fatal to the lives of many people, in the night?—Without a doubt I did, but the plan was not proposed by me; when I saw the fire I cannot say but it shocked me very much, but not before, not the idea of burning people.

James Edwards sworn.

I am a watchmaker, I live in Barbican; I remember the fire.

Do you remember being at the Nag's Head alehouse in Aldersgate-street, the night of the fire?—I do.

Look at the prisoners, were they there that night?—I cannot say to Lowe; Jobbins I am sure, and Flindall were there; I cannot recollect Lowe at all.

Did you leave Jobbins and Flindall, and their companions there, when you went away?—I can not be sure whether Flindall was there when I went away; but Jobbins walked round the room with a pipe in his mouth, and I believe he went out of doors; whether he went away or not, I do not know.

Benjamin Williams sworn.

I keep the Nag's Head in Aldersgate-street, I was burnt out the night of the fire.

Do you know Lowe?—Yes.

Do you know Flindall?—Yes.

Do you remember them coming to your house the night of the fire?—Lowe and Flindall went out of my house about half after twelve, on the night of the fire.

They had been there some time that evening?—They had either three or four pots of porter, and one, if not two papers of tobacco; I can say but to one, they had some pipes, they had half a pint of gin, and they wanted a pot of porter after I had locked up my

bar and my cellar; I refused drawing them any more liquor; Flindall pressed very hard for half a pint more gin, but I said I would sell no more. I cannot say that Mr. Edwards was there, nor whether the prisoner Jobbins was there. I was in bed in five minutes after they went away. I was alarmed about one o'clock; the back part of my yard adjoins Mr. Gilding's premises.

William Kyme sworn.

I slept at the Red Lion Inn, I went to bed about a quarter after twelve; in the morning about a quarter before one I was alarmed with fire by the watchman; I saw a very bad fire in a hay-loft over a flour warehouse of mine, adjoining to Mr. Gilding's premises; there was clover-hay chiefly in the loft, and some straw and meadow-hay; there was clover brought in three successive days before the fire happened, on Thursday, Friday, and Saturday; there was a ladder locked to the side, that nobody should take it away to any other place, it was to go into the loft with.

Was it easy to place the ladder so as to get into the loft?—Oh yes, very easy, it was for that express purpose. I secured my property in my iron chest in my bed-room; I went down to fetch a candle, in about a quarter of an hour after I was alarmed, and I left two or three of my doors open, and very soon after I returned, which was a little after one; this Lowe and Flindall came into my bed-room, I asked them what they wanted, and they said they came to assist me; I told them they were two thieves; I said they were nothing but thieves, and I told them, I supposed they came to rob me; then they said, they were no such thing as that, they came to serve me, and they would assist me; and I wanted somebody to remove my iron chest further from the fire, and they assisted in that, then they wanted to help me to take my bed and other things away; I told them they should not touch them, I wanted no further assistance from them, for I suspected them to be nothing but thieves, and they should not meddle with any thing; then they went off, and I had nothing more to say to them.

Harry Moray sworn.

You remember the fire in Aldersgate-street?—Yes, I was there at the time, about one o'clock.

Look at the prisoner Jobbins, and see if you know him?—Yes, I do.

You have no doubt of him?—None at all.

Did you see him at the fire that night?—Yes.

Whereabout?—Why in different parts, by Mr. Gilding's, and one time at another house; it was half after one, or two, when I first saw him; it might be half an hour between one time and another.

Thomas Burgin sworn.

Look at the bar, and tell us whether you saw the prisoners at the fire?—I saw Lowe only.

Did you see Flindall there?—No; some time after he was getting out the things, I came out of my master's house with some things, and put them across the road; and going back for more, I saw some linen, which turned out to be sheets, coming out of

my master's window up two pair of stairs; I caught hold of the sheets; Lowe immediately told me I had no business with them, for he was Mr. Gilding's servant; I immediately looked him in the face, and told him he was not Mr. Gilding's servant, for I was, and if he was also, I should know him.

Joseph Douglas sworn.

I am a turner; I remember being at the fire in Aldersgate-street; I know Mr. Gilding's counting-house.—(The prisoner Timothy Barnard ordered to be brought up.)—I saw a person coming towards Mr. Gilding's counting-house, whom I have seen in custody.—(Barnard brought in.)—I am positive that is the person; I gave him a book to deliver at Mr. Blackburne's, and I followed him; I was close behind him; I saw him go another way; I immediately delivered the book to Mrs. Blackburne, and followed him, and he came back and delivered it; I am sure that was the man, and, to the best of my knowledge, it was at about two o'clock.

Joseph Samuel sworn.

What business do you follow?—Clothes dealing.

Do you remember the circumstance of a fire in Aldersgate-street?—Yes, sir, I remember hearing of it after I had bought some silver of Mrs. Lowe.

Did you at any time buy any thing of Mrs. Lowe?—Yes; ten or eleven dessert and table silver spoons, and among them one long narrow spoon, which I believe is called a marrow spoon.

From what place did Mrs. Lowe take those things?—Why, she went out of the room that she and I were in, and took them out of a small closet adjoining the staircase on the right hand; I cannot tell whether she had more, but I bought all she shewed me; I paid her £3 15s. they were at 4s. 10d. an ounce. I sold them afterwards to a man that deals abroad, for 5s. 2d. an ounce. The first time I saw Lowe after this, was the day he was discharged; he had no hat on, and his coat under his arm. I was going out; I said, How do you do, Lowe—will you walk in? and he said, Yes, I am come on purpose to speak to you. I took him in doors, and he then said, Mr. Samuel, if you have got any of those spoons that you bought of my wife, that came from the fire in Aldersgate-street, I beg of you, for God's sake, to make away with them, for I think Jim Flindall will be a rogue; for, he said, the day that Jim Flindall was arraigned at the bar of the Old Bailey, he sent me down a letter, and required eight or nine shillings of me, that he then wanted; and, in case I did not send it to him, he threatened to tell the judge the whole affair; and, in case Flindall was hanged, he said, I (meaning Lowe) should be hanged along with him. I then said, it is something amazing to me that you should be afraid of Flindall's being a rogue, there is nothing to affect you; you are discharged, and at your liberty, in what can he hurt you? and he then said, there are other circumstances in the way. I then begged of him to tell me what he was afraid of: he was a long time hesitating, but at last he said, I may tell you, that I, Flindall, and the others, set the houses in Aldersgate-street on fire; and I now intend to go on board of ship.

He then said to me, I think, Mr. Samuel, you have used me rather ill. In what? said I. He answered, concerning the money you gave my wife for the silver; for, said he, I think that twenty spoons certainly come to more money than £3 15s. for, the little doctor (by which name we called Jobbins), had sold some of the dessert spoons, which were the smallest, to a person in Chancery-lane, for seven shillings a piece, and had sent Flindall and him fourteen shillings, and kept seven shillings himself. I then said, Mr. Lowe, your wife will never tell me to my face that I bought twenty spoons, for they would have come to more money. He then said to me, I think, Mr. Samuel, I have been very lucky in this business; I said, How lucky? He said, I may say I have saved my life twice; I asked how? Why, answered he, I may say I have saved my life now, by being acquitted; and, the first time, when the fire took place at Mr. Gilding's, I entered the house and ran up stairs, and I had scarcely been a minute in the room, before it was all in a blaze, and I was forced to make my escape out of one of the windows, when I was caught by the mob. I gave him half-a-crown, and declined going with him.

Francis Gilding sworn.

I believe it was your premises that were unfortunately burnt?—They were.

Are those drawers within your knowledge?—They are.

Do you know the quantity of silver spoons that were lost from your house?—About two dozen, in a vase case.

Was the house your own?—Yes.

Jane Gilding sworn.

I can swear to the drawers; I know there were twelve table and twelve dessert spoons in a vase case, and there might be a marrow spoon in it; there frequently was one kept there.

Evidence for Jobbins.—John Jobbins sworn.

I am the father of the young man at the bar, I live in Goswell-street, in a house of Mr. Brown's, his door fronts one way and mine the other; there is no communication; it is a separate house; I have lived there about six years; I have only one son; I keep no servant; my income is but small; I am a king's locker at the Custom-house.

Did your son live at home with you at the time of the fire?—He did.

Do you happen to know in what way he disposed of his time for several days preceding the fire during the week?—He was at home always when I came home at three o'clock; the former part of the day, I can give no more account of him than you; I go to my duty at nine o'clock, sometimes not till ten or eleven; he was at home when I was there; sometimes I came home at half past two.

On Saturday when you returned home, and from three o'clock the day of the fire, was your son at home?—He was at home writing, and had been writing for the week before; he had been writing a chronicle; he continued at home till between seven and

eight; I was at home all that time, when I desired him to go to the White Horse Cellar, to see for a parcel which I expected from Gloucester, which was to lie there till called for; he did not find the parcel, and he did not return till a little past twelve; in the mean time, a Mr. Watson came about nine o'clock that evening, and asked me if my son was at home; I told him no, but he would be in presently I dare say; he said he was going farther, he would call as he came back; he returned about eleven, and waited till it was a little past twelve, when my son came home.

Do you know the nature of his business with your son?—He asked him if he could make him up something for a strain; my son told him if he would wait about a quarter of an hour he could; accordingly he made him some pills in a box, and I saw him pay him for them.

Has your son any books?—He has a little library.

When Mr. Watson went away what became of your son?—He went to bed with me; he had not been in bed half an hour before the alarm of fire was given.

How long was it before he got up?—Half an hour I believe, and he rose and said there was a fire; he said, I will run and see it; I said, do not go, for you may be hurt; he said he would take care of himself, and he would not stay long.

Who was your son apprentice to?—Mr. Cowley, who is dead; since then he has lived with me; Mr. Cowley was a surgeon and apothecary, I gave 50 guineas with him and all expenses.

Was your son a studious and attentive young man?—Oh very; he understood Latin very well, and the anatomical science; sometimes for three weeks together he was studying in his profession.

Did you get up when your son rose, and look out of the window?—I did, and saw the fire very plain, I thought it was nearer than it was; I thought it was within 50, 60, or 100 yards.

So that I am to understand, you being awake out of your sleep by a fire within 50, 60, or 100 yards, fell into so sound a sleep, that your son came to bed to you without waking you. Were you awake when he came home?—I do not know that I was awake, for I fell asleep, and he came home; but what time he returned I do not know.

Did you compose yourself at a distance of 50, 60, or 100 yards from such a fire as that in Aldersgate-street, so that you at last fell into such a sleep that a man came to bed to you without waking you?—I do not say but I might awake, I say what time it was I could not tell, because I had not light enough to see by my watch; whether I had or not I did not look.

Were you, or were you not, awake when your son came home?—He awoke me when he came to bed.

He did?—Yes.

Then he undressed himself in your presence?—Yes, he did.

You remember the fact of his coming to bed?—Certainly.

What time was it?—I cannot tell.

Did you enter into any conversation with him?—Why yes; I asked him where was the fire, and he said, in Aldersgate-street.

Then you now perfectly recollect your son's coming to bed?—Yes.

Did you hold no other conversation with him on his coming to bed, but where the fire was?—I did not ask him many questions. I asked him when I got up.

You did not ask even, whether it was a large fire?—He told me it was.

Did you ask him if any lives had been lost?—He told me he had heard of none.

Did he smoke?—He did smoke sometimes.

Did he smoke a pipe most nights when he went to bed?—No, sir, not most nights, only now and then; but if there was strong beer and small together, he used to drink small.

Of course, as you never objected to his smoking, you never could have told any body that you did not like his smoking?—Not I; I said to nobody but himself; I said to him, you are a young man, why do you smoke? O, said he, it does my teeth good.

Did not you think that he staid at the White Horse Cellar?—He stayed too long I thought.

Did you know much of his patients, or the company he kept?—I knew little of them; I never troubled myself with them; I never saw Flindall, nor Lowe, nor Barnard, till this affair.

Was your son's library in the same room he compounded his medicines in; where did he keep his books?—In a book-case that cost me sixteen guineas; he had a key of it.

Had he other books in that library besides medical books?—He had his school-books; he was six years at St. Paul's school.

Had he any intention of going abroad?—None at all that I know of, except when the war broke out, he said he wished he was able to pass his examination, he would go as surgeon's mate; he was gone as an assistant surgeon, as he told me; I do not mean to swear that it was so.

Do not you know that he went as a common foremast-man?—Yes.

By what name?—George Burne; and his reason was, because I should not know he had entered into any regular list; he told me he was going.

Did you find him any medicine chest to take with him?—I found him a bottle of six or seven pounds worth of antiscorbutic drops, and a few instruments, and a bed and bedding, and shirts and trowsers, and such things of the best sort.

Do you mean to swear, that you knew he had entered by the name of Burne?—I did not know it till he wrote to me by the name of Burne for money.

For the prisoner Lowe.—Edward Lowe sworn.

I am the father of the young man at the bar; I am a turner, No. 8, Bridgewater Gardens; I employed my son, and paid him wages, and did so the whole of the week this affair happened. I paid him that Saturday 20s. between nine and ten; I returned home at that time; he does not live with me; he has a wife to support; I know he was at work at eight that Saturday night,

because my work was not finished when I went out, which was about eight, and when I returned it was; when I went out, I said to him, Ned, get on with this job for next week, but I did not examine it on my return; he sometimes might earn 20s., 25s., 30s., or 15s. a week, just as he pleased.

Do you know who lodged with him?—I understand, Flindall.

The Recorder summed up the evidence; when he had finished, Mr. Lawes informed the court, that there was no description of the local situation of the house, nor proof of the parish in which the house was situated: but this objection was over-ruled by the court, it being sufficient that the house was within its jurisdiction; and besides, it having been proved by several witnesses, that the house was situate in Aldersgate-street, and the jury might find the parish of their own knowledge.

The jury conferred a short time, and without going out of court, returned their verdict, that the two prisoners were *Guilty*.

The Recorder then addressed the incendiaries in the following words:

As to you, Jobbins and Lowe, who have been convicted of arson, I hardly know how to address myself to you—I hardly know how to find words to express the abhorrence that I feel, or that the public entertains, of the crime of which you stand convicted. The setting fire to houses in the dead of night, for the purpose of plunder, at the risk of the lives of the inhabitants of a great city, is a crime not yet to be met with upon the records of villainy that have been brought forward in this court. As the crime is singular, so the punishment must be marked; I take it, it will be so marked, and hope the example will be such, that if there should be left any persons of the same wicked intentions, they will take example from your fate. As your crime is singular and novel, I hope it will be the only one brought into this court of the same description. You, therefore, must prepare to die, and consider yourselves as men without hope in this world. And give me leave to assure you, that it is my decided opinion, that for an offence so very atrocious as yours, you can never expect salvation in the world to come, unless you will make some reparation to your injured country, and to God, whom you have offended, by a sincere confession of all the offences of which you have been guilty, and by a disclosure of the names of all persons who either have engaged, or are about to engage, in crimes so detestable as that of which you stand convicted;—nothing therefore remains, but that I should pray to Almighty God, and it is now my earnest prayer to him, that you may obtain the forgiveness and remission of your sins.

Jobbins was only nineteen years of age, was educated at St. Paul's School, and bred a surgeon.

THE REV. THOMAS FYSHE PALMER,

FOR SEDITIOUS PRACTICES, 1793.

The indictment was in form as follows :

George, &c. Whereas, it is humbly meant and complained to us by our right trusty Robert Dundas, esq. of Arniston, our advocate for our interest, upon Thomas Fische Palmer, clergyman, sometime residing in Dundee, and commonly designed Unitarian minister: That, by the laws of this and of every other well governed realm, the wickedly and feloniously writing or printing, or causing to be written and printed, any seditious or inflammatory writing, calculated to produce a spirit of discontent in the minds of the people against the present happy constitution and government of this country, and to rouse them up to acts of outrage and violence, by insidiously calumniating and misrepresenting the measures of government, and falsely and seditiously justifying and vindicating the enemies of our country, with whom we are at open war: As also the wickedly and feloniously distributing and circulating, or the causing to be distributed and circulated, any such seditious and inflammatory writing, are crimes of an heinous nature, dangerous to the public peace, and severely punishable: Yet true it is, and of verity, that the said Thomas Fische Palmer, above complained upon, is guilty actor or art and part, of all and each, or one or other of the aforesaid crimes; In so far as, sometime during the month of July 1793, or of June preceding, or of August following, the said Thomas Fische Palmer, having been present at a meeting held at Dundee, and county of Forfar, which meeting denominated itself "A Society of the Friends of Liberty," or bore some such name, and of which meeting or society, the said Thomas Fische Palmer is or was a member; he did then and there put into the hands of George Mealmaker, weaver in Dundee, a manuscript or writing, of a wicked and seditious import, in the form of an address to *their friends and fellow citizens*; which manuscript or writing was sometime during the months aforesaid, at Dundee aforesaid, or at some other place to the public prosecutor unknown, wickedly and feloniously written or composed by the said Thomas Fische Palmer, or by him caused to be composed or written; and which manuscript or writing, after it had undergone several alterations, suggested by the aforesaid meeting, was, by desire of the said meeting, again put into the hands of the said Thomas Fische Palmer, in order that it might, by his means, be published, printed, and circulated. And the said Thomas Fische Palmer did thereafter print, or at least did wickedly and feloniously, sometime during the months aforesaid, cause to be printed at Edinburgh, or somewhere else to the public prosecutor unknown, the said seditious and inflammatory writing, whereof the title and tenor follows:

Dundee, Berean Meeting House, July 1793.

At a General Meeting of the Friends of Liberty, they unanimously resolved to publish the following Address to their Fellow Citizens.

"Friends and Fellow Citizens,

"You, who by your loyal and steady conduct, in these days of adversity, have shown that you are worthy of, at least, some small portion of liberty, unto you we address our language and tell our fears.

"In spite of the virulent scandal, or malicious efforts of the people's enemies, we will tell you whole truths, they are of a kind to alarm and arouse you out of your lethargy. That portion of liberty you once enjoyed is fast setting, we fear, in the darkness of despotism and tyranny! Too soon, perhaps, you who were the world's envy, as possessed of some small portion of liberty, will be sunk in the depth of slavery and misery, if you prevent it not by your well-timed efforts.

"Is not every new day adding a new link to our chains? Is not the executive branch daily seizing new, unprecedented, and unwarrantable powers? Has not the House of Commons (your only security from the evils of tyranny and aristocracy) joined the coalition against you? Is the election of its members either fair, free, or frequent? Is not its independence gone, while it is made up of pensions and placemen?

"We have done our duty, and are determined to keep our posts, ever ready to assert our rights and privileges as men, the chief of which we account the right of universal suffrage, in the choice of those who serve in the Commons' House of Parliament, and a frequent renewal of such power.

"We are not deterred or disappointed by the decision of the House of Commons concerning our petition. It is a question we did not expect (though founded on truth and reason) would be supported by superior numbers.—Far from being discouraged, we are more and more convinced that nothing can save this nation from ruin, and give to the people that happiness which they have a right to look for under government, but a Reform in the House of Commons, founded upon the eternal basis of justice, fair, free, and equal.

"Fellow Citizens,

"The time is now come, when you must either gather round the fabric of Liberty to support it, or, to your eternal infamy, let it fall to the ground, to rise no more, hurling along with it every thing that is valuable and dear to an enlightened people.

"You are plunged into a war by a wicked ministry and compliant Parliament, who seem careless and unconcerned for your interest, the end and design of which is almost too horrid to relate, the destruction of a whole people merely because they will be free.

"By it your commerce is sore cramped and almost ruined. Thousands and ten thousands of your fellow citizens, from being in a state of prosperity, are reduced to a state of poverty, misery, and wretchedness.—A list of bankruptcies, unequalled in any

former times, forms a part in the retinue of this Quixotic expedition; your taxes, great and burthensome as they are, must soon be greatly augmented; your treasure is wasting fast; the blood of your brethren is pouring out, and all this to form chains for a free people, and eventually to rivet them for ever on yourselves.

“To the loss of the invaluable rights and privileges which our fathers enjoyed, we impute this barbarous and calamitous war, our ruinous and still growing taxation, and all the miseries and oppressions which we labour under.

“*Fellow Citizens,*

“The friends of liberty call upon you, by all that is dear and worthy of possessing as men; by your own oppressions; by the miseries and sorrows of your suffering brethren; by all that you dread; by the sweet remembrance of your patriotic ancestors; and by all that your posterity have a right to expect from you,—to join us in our exertions for the preservation of our perishing liberty, and the recovery of our long lost rights.”

Further, the said Thomas Fische Palmer did, sometime during the months of June or July aforesaid, wickedly and feloniously distribute and circulate, or cause to be distributed or circulated, in Dundee, Edinburgh, and elsewhere, a number of copies of the said seditious and inflammatory writing, printed as aforesaid. Particularly, the said Thomas Fische Palmer did, sometime in the month of July aforesaid, transmit, or cause to be transmitted or delivered, to William Skirving of Strathruddie, residing in Edinburgh, 100 copies, or thereby, of the said seditious and inflammatory writing, to be by him distributed and circulated; and which accordingly, or the greatest part thereof, were by him distributed and circulated. As also, the said Thomas Fische Palmer did, sometime in the month of July aforesaid, deliver to each of Edward Leslie and Robert Miller, both stationers and booksellers in Dundee, a number or parcel of the said seditious and inflammatory writings, to be by them distributed and circulated. As also, the said Thomas Fische Palmer did, on the 20th of July aforesaid, or, upon one or other of the days of that month, transmit to James Smiton, wright in Newburgh, and county of Fife, 20 copies or thereby, of the said seditious writing, to be by him distributed and circulated; and which accordingly were distributed and circulated by the said James Smiton among several persons in the neighbourhood. And the said Thomas Fische Palmer having, upon the 2d and 3d days of August 1793, been brought before Harry Davidson, esq. sheriff-substitute of the shire of Edinburgh, he did in his presence emit a declaration, which the said Thomas Fische Palmer having refused to subscribe, was signed by the said Harry Davidson: Which declaration, together with seven copies of the above mentioned seditious and inflammatory writing, whereof three of them attested on the back by the signature of the said Harry Davidson and others; two of them so attested by Alexander Riddoch, esq. provost of Dundee, and others; another of them so attested by Thomas Horsburgh, sheriff-substitute of Fife, and others; and another copy of them attested on the back by William Baine, servant to James M'Duff,

shoemaker at Bridge of Turret, and others; together with a manuscript copy of the said seditious writing, attested by the said Harry Davidson, Alexander Riddoch, and others: As also, two pieces, or parts, of two letters, wrote by the said Thomas Fische Palmer, and found in the possession of Alexander Morrin, grocer and spirit dealer in Edinburgh, and attested by the said Alexander Morrin, Harry Davidson, and others; together with the scroll of a letter, seemingly addressed to the said Thomas Fische Palmer by the said Alexander Morrin, and found in the custody of the said Alexander Morrin, and attested by his subscription and that of the said Harry Davidson aforesaid; together with three other letters, one dated the 3d of July, 1793, signed with the initials of T. F. P. and addressed to 'Mr. Ellis, at James Ellis's, staymaker, Chapel Shade, Dundee,' attested by the signature of the said Alexander Riddoch, and others; another, dated 'Dundee, July 9, 1793,' signed 'T. F. Palmer,' and addressed 'to Mr. Skirving, opposite Old Assembly Close, Cowgate;' and another, dated 20th July, 1793, signed T. F. Palmer, but without any address, and beginning 'My dear Friend;' which two last letters above mentioned are respectively attested by the signature of the said Harry Davidson, and others; as also, a letter, signed James Ellis, dated Paisley, March 18, and addressed to 'James Ellis, staymaker, above St. Francis's Well, Dundee;' which letter is attested by the signatures of Thomas Farquharson and William Moncrieff, together with a book, attested by the subscription of William Airth, weaver in Dundee, will all be used in evidence against the said Thomas Fische Palmer; and will, for that purpose, be lodged in due time with the clerk of the Circuit Court of Justiciary, before which he is to be tried, that he may have an opportunity of seeing the same. At least, times and places aforesaid, the said seditious and inflammatory writing was wickedly and feloniously composed and printed, or caused to be composed and printed; as also, wickedly and feloniously distributed and circulated, or caused to be distributed and circulated, in manner aforesaid; and the said Thomas Fische Palmer, above complained upon, is guilty actor, or art and part, of all, and each, or one, or other, of the aforesaid crimes. All which, or part thereof, being found proven, by the verdict of an assize, before our Lord Justice General, Lord Justice Clerk, and Lords Commissioners of Justiciary, in a circuit court of justiciary to be holden by them, or any one or more of their number, in the criminal court-house of Perth, the 12th September next to come, the said Thomas Fische Palmer ought to be punished with the pains of law, to deter others from committing the like crimes in all time coming. Our will is, &c."

George Mealmaker sworn.

You are a weaver in Dundee?—Yes.

You are a member of a society in Dundee?—Yes, there are two societies in Dundee.

What are they called?—One is called the Friends of the Constitution, and the other, the Friends of Liberty.

Which are you a member of?—The society of the Friends of Liberty.

Where do the Friends of Liberty meet?—They meet at present in a place called the Berean meeting-house.

Was you in the use of attending their meetings generally?—I generally attended them.

Are you acquainted with James Yeoman Baker, at S.?—Yes.

Is he a member of that society?—Yes.

Are there officers in this society, people that have any distinguishing name?—Yes.

Have you a preses?—Yes.

What other officers are there?—We have a secretary and a treasurer.

Did you bear any of these offices?—Yes.

What was you?—I was once treasurer, and once president.

Do you remember a manuscript at any time being produced in this society, upon any particular occasion?—I remember different manuscripts.

Do you remember a manuscript in the form of an address to friends and fellow citizens?—Yes.

At what time was that, as far as you remember?—Sometime in July month.

Do you remember the title of that manuscript?—I remember it was called an Address to Fellow Citizens, or an Address to the Friends of Liberty. I don't remember the words exactly.

Who was it that produced this address, do you know?—The first part that was produced was at a committee; it was made by the society in general, afterwards according to their liking.

But who produced the manuscript, the first part of it?—That which is but a part of it I produced.

The first part of it?—Yes, what was in being of it at that time.

Was that manuscript read at that meeting?—Yes.

Who read the manuscript, as far as you recollect?—In the committee I believe it was laid upon the table, and Mr. Palmer, being invited by me, and some others, to that society, read it.

Did Mr. Palmer read it all through?—As far as I recollect he read it over.

What passed at the meeting?—No more passed at that meeting concerning it.

Was there an after meeting, when it was produced?—Yes.

Was there any other manuscript produced at that meeting?—No other, that I know of.

Lord Eskgrove.—Was the meeting a committee, or a full meeting?—It was what was called in our notice, a general extraordinary meeting.

When was this general extraordinary meeting called, as far as you recollect?—I do not positively remember as to that.

Was it called by that committee that you was first in?—Yes.

What was the principle of calling that general extraordinary meeting?—Concerning the particular concerns of the society, in the first place; and then to publish an address to our fellow citizens, upon the critical situation of the country.

Was it proposed at that committee, that this manuscript should be read in the general extraordinary meeting?—Yes.

Who produced the manuscript afterwards at the general extraordinary meeting?—The society was sometime gathered before I went in, and who brought it into the house I cannot tell; there had been some consideration before I came into the meeting that night, and then I saw it lying upon the table first, I think.

Was it read at that general extraordinary meeting?—Yes.

Who read it?—Me.

Was there any debate upon it?—Yes, there was.

Was the MS. of the address complete at that time, was it finished?—No, it was not.

When was it finished?—It was debated, and various alterations proposed and agreed to, and those alterations ordered to be made out.

Was any thing done at the meeting after those alterations were made, any orders given about it?—It was ordered to be printed.

Now recollect yourself before you answer this question, Who was it that the meeting ordered to get it printed?—As far as I recollect it was delivered to Mr. Palmer and James Ellis, or one or both of them.

Does it consist with your knowledge that Mr. Palmer was a member of that meeting?—He entered a member about that time.

Is there any form at the entry of a member, or any book kept of the society's proceedings?—There was a book with a test and the names of the society—subscribing to a small declaration, and the reasons why they signed it.

And every member signed that when he entered?—Yes.

Would you know, if you were to see this address, whether it was the same address that was approved of at that meeting, and ordered to be printed?—I am not very sure.

Look at this?—I have seen a paper like this before. I could not swear that it is altogether the same, word for word, but the *general* of it is the same, I think; but I could not swear to the whole.

Look if your subscription is at the back of that?—Yes.

You mentioned sometime ago, that there was only part of the address made up and produced at the committee, and you mentioned afterwards, that this draught was produced afterwards at the general meeting, or part of it; now, as far as you recollect, was any addition made to this MS. from the time it was produced at the committee, to the time it was produced at the general extraordinary meeting?—There were some additions.

Do you know who made the additions?—I was not present, and I don't know.

Do you know in whose possession the MS. was, from the time of the committee to the general meeting?—As far as I know, it was in the possession of Mr. Palmer.

Was there, as far as you recollect, any thing mentioned in the books of the society, when this MS. was read; was any minute taken down?—No, there was not, that I remember; if there was, I did not see it.

Look at this paper—Is that, as far as you recollect, the MS. copy produced at the general extraordinary meeting?—It is not.

Look at it again, and see if you know whose hand-writing it is?—I don't know.

Do you know any hand-writing that it is like?—That is a question that I cannot meddle with.

Lord Eskgrove.—You are obliged to say whose you believe it to be.—I don't know; and no man living can make me say more than I know.

You must tell us, what is your opinion?—I can form no opinion concerning that paper; I don't know who wrote it, nor whose hand-writing it is.

Mr. Burnett.—Do you know the person who wrote that paper, which was afterwards produced at this general extraordinary meeting?—The one produced at the general meeting was the same paper with some additions.

Lord Eskgrove.—Was it the same hand-writing?—It was the same paper with alterations.

Mr. Burnett.—Whose hand-writing were the alterations?—I don't know.

Mr. M'Conachie.—Whose hand-writing were the additions?—I don't know.

Do you know the hand-writing of any thing that was put upon that paper?—I cannot say as to that, because I wrote some of the alterations myself.

Lord Eskgrove.—Did you write any thing upon that paper between the two meetings?—No.

Were there some alterations made between these two meetings?—Yes.

What opinion did you form? Did you believe it to be written by any one person in particular?—What I believe, I will not swear.

But you must tell us what you believe.—I thought it was Mr. Palmer who had done it, but was not sure. I thought he said he had wrote it; but am not sure whether he said so or not.

Mr. Burnett.—Are you acquainted with a person of the name of James Ellis?—I have some acquaintance with him.

Did you ever see any letters of James Ellis, or any writing of Ellis's?—I don't remember at present any letters, or writings of his.

Do you know his hand-writing?—No, I do not.

You would not know it if you were to see it.—No.

Mr. M'Conachie.—Were any of the alterations, that were made before the committee, or before the society, suggested by Mr. Palmer in your presence?—I have heard him, in the course of conversation, speak about it, and propose alterations.

The question that I put is, Whether any of the alterations, that were actually made, were suggested by Mr. Palmer?—There were so many of them speaking, that I cannot remember whether he did positively propose any of those things that were carried into effect, or not.

Was he one of the speakers?—Yes, he did speak upon it.

Lord Eskgrove.—You have said that the society ordered the address to be printed; and I think you said, it was delivered either to Mr. Palmer, or some other person you named. I want to know whether that order was made by the meeting in general?—Yes, by the unanimous will of the society, without any dissension.

Mr. M'Conachie.—You said it was committed to Mr. Palmer, or Ellis, to get it printed,—was any report made to the society by this gentleman, of its having been printed?—The first report I heard was, that it was to be printed, and they accepted the offer, that they should get it printed.

Lord Eskgrove.—Upon the oath you have taken, who was it made the offer to get it printed?—I said, these two gentlemen adopted the offer of the society, that they should get it done.

And when did you hear that it was printed?—The first that I heard of it was, when I first saw the printed copies in the meeting. I beg pardon, I saw some in the hands of some of the members before I saw them in the meeting.

Mr. Burnett.—Who produced them to the society?—I cannot say.

Did you see any in the hands of Mr. Palmer in the society?—I don't remember whether I did or not.

Did you receive any of them from Mr. Palmer? Recollect yourself before you make the answer.—I remember receiving one, but I am not sure whether I did not ask him for it.

Mr. M'Conachie.—Was you treasurer to the society at this time?—No.

Do you know whether the society paid for the printing of these copies?—Yes.

Who did they pay for them?—I heard that they were paid for, and saw the receipt for them. I saw an order given by the society to pay for them.

To whom?—To Mr. Palmer.

And you believe that order was obeyed, and actually paid to Mr. Palmer?—I believe so.

Mr. Burnett.—Did you hear from Mr. Palmer, or any other person, where this paper had been printed?—I never was informed properly where it was printed, so as to tell. I might hear a rumour, but I cannot tell.

Where did you hear it was printed?—I heard it was printed at Edinburgh.

Would you know the society book, if you were to see it again?—I am not sure.

Look, if that is the society book?—I cannot say positively what this book is, it is not unlike it, but I am not sure, because I see nothing to give me an assurance of it.

Do you know if there had been any leaves torn out of the society book?—There were, I heard, leaves torn out of the society book, but I did not see it.

Do you know what the leaves contained, that were torn out of the book?—I cannot say as to that, because I did not see them torn.

Was you told what they contained?—I was told they contained the names of the society.

And what were the names subjoined to—were they subjoined to a test?—Yes.

And that was torn out too, I suppose?—I cannot say.

Lord Eskgrove.—Did you hear, whether the test was torn out?
—I cannot be positive whether I heard so, or not.

Several other witnesses deposed to the same effect.

EVIDENCE ON BEHALF OF THE PANEL.

William Stewart sworn.

Where do you live?—In Dundee.

Do you know of any societies there?—Yes; I know of two there.

Is there a society there, named the Friends of the People?—The Friends of Liberty.

Are you a member?—Yes.

How long have you been a member?—I don't recollect rightly, but I have been for some time.

Do you know Mr. Palmer?—I have seen him.

Was he a member of the society?—Yes; he was a member for some time.

Do you recollect when he was admitted?—No, I don't recollect what day of the month it was.

Was you a member of the society or Mr. Palmer first?—I was first.

Do you remember any address that was published by this society?—Yes; I do.

Do you know who drew up that address?—It was drawn up by the society.

Do you know who proposed it first?—No, I don't recollect who proposed it first.

Do you recollect being alone with one or two of your companions of the same society, and of meeting with Mr. Palmer in the Methodist Closs?—Yes.

Who was with you?—Two lads, George Mealmaker and David Wood.

What did you say to Mr. Palmer concerning the objects of the society?—I don't recollect what passed that night; but we gave him an invitation to come to the meeting.

Was Mr. Palmer a member of the society at that time?—No; he was not.

Did Mr. Palmer go with you?—No; we had no meeting that night.

Was there a meeting of the committee soon after?—Yes.

Was you present at that meeting?—Yes; I was.

Was there any draft of an address produced that evening?—There was one laid upon the table that evening.

Do you know who composed it?—I don't know rightly who composed it; but, as far as I know, I think it was George Mealmaker.

When you consulted Mr. Palmer upon that subject, did he advise you to compose the address, or not to compose it?—I don't recollect if he advised us that night or not.

Was he for publishing an address or not?—He was for publishing it in the newspapers only.

Was he for publishing it in the newspapers at that time or afterwards?—It was afterwards.

What do you mean by afterwards?—At a meeting afterwards.

What sort of a meeting was that which took place afterwards?—A weekly meeting.

Lord Abercrombie.—A general meeting, or a committee meeting?—A general meeting, held once a week.

Mr. Clerk.—On the night that you met with Mr. Palmer, was there any body with him?—There was another lad with him, but I don't know who it was.

Did you see him to-day?—It being dark, I did not take notice of him.

Did you propose to Mr. Palmer to write this address?—It was proposed before that time, that an address should be made out by the society.

But did you urge Mr. Palmer to write the address?—No.

Did Mealmaker or Wood urge him to it?—I cannot recollect that.

Friday, Sept. 13, 1793.—At two o'clock, the jury returned the following verdict:—

At Perth, the 12th day of September, 1793.

The assize before mentioned having inclosed, they made choice of James Chalderwood Durham to be their chancellor, and Andrew Whyte to be their clerk; and having considered the criminal libel, raised and pursued at the instance of his majesty's advocate, for his majesty's interest, against Thomas Fyshe Palmer, clergyman, sometime residing in Dundee, and commonly designed Unitarian minister, present prisoner in the tolbooth of Perth, panel; and having heard the interlocutor of relevancy pronounced thereon by the court, evidence adduced in proof of the libel, and evidence adduced in exculpation of the panel; they all, in one voice, find the address mentioned in the libel to be a seditious writing, tending to inflame the minds of the people; Find, that the panel was art and part guilty in writing the said address, and that he is guilty of causing the said address to be printed; and that he is guilty of distributing, and causing to be distributed, the said seditious and inflammatory writing.

Mr. Palmer.—My lords, may I be permitted to speak a few words?

Lord Eskgrove.—Yes, Mr. Palmer, you may speak.

Mr. Palmer.—My lords, I can appeal with conscious sincerity to the Great Searcher of hearts, for the good intentions and uprightness of my conduct. My life has for many years been employed in the dissemination of what I conceived to be religious and moral truths, truths which I supposed to be of the greatest importance to mankind. My friends know with what ardour I have done this, at the total sacrifice of all my worldly interests; but, during the late great political discussions that have taken place, it was entirely, naturally, impossible, in a man of my sanguine disposition, to remain an unconcerned bystander. I felt

as all around me felt; I caught the general influence; I thought, too, that I perceived that politics were a great branch of morals, if they did not comprise the whole of our duty to our neighbour; for, my lords, would but our superiors, would but all the world do to one another what they, in like circumstances, would wish to be done to themselves, our petitions would have been answered, and every grievance redressed. I trust, that my politics are the cause of common justice, the cause of benevolence and of human happiness. It was under the influence, I protest, of these considerations, that I was led to enter myself into the Society of the Friends of the People. I thought, my lords, that a parliamentary reform would enhance the happiness of millions, and establish the security of the empire. For these reasons it is, and with these views only, as God is my judge, that I joined the society of *low weavers and mechanics*, as you called them, at the Berean meeting-house at Dundee; and for these reasons, too, to gain these ends, that I assented to the publication of this hand-bill; for the declaration, and the test of the society, and all their endeavours, as far as I have been able to learn, were solely confined to that one object of parliamentary reform, and a more equal representation of the people.

It is not, my lords, the first time that I have suffered in endeavouring to benefit others; for this I have borne shame, odium, reproach, and a great diminution of fortune. I hope and trust, that it is my utmost ambition, and all who know me will agree with me, that it has been the tenor of my life, to endeavour to add, if possible, to the sum of human happiness. And, my lords, if I should be called again to the like, or more severe, trials; if I should be called again to suffer in, what I cannot but think the cause of men in general, the cause of human happiness; I trust that I shall be able to bear my sufferings, not only with fortitude, but with cheerfulness—with the hope, my lords, that my sufferings will not be wholly lost; but will, by the blessing of that great Being whom I serve, be rendered efficacious to the good of my fellow creatures.

Lord Eskgrove.—It is usual in all cases of passing sentence, for the court to give some advice to the person upon whom sentence is passed. I only wish that you yourself may view it in the proper light that, I think, will be your own felicity, the correcting of any errors you may have fallen into, and that all here may take example from it (which is the great end of punishment), and avoid those dangerous courses, dangerous to society, dangerous to themselves, which have brought you into the unfortunate situation in which you now stand. You will hear the sentence read.

The clerk then read the following sentence:

The Lords Eskgrove and Abercrombie—In respect of the foregoing verdict, they, in terms of an act of parliament, passed in the 25th year of his majesty's reign, intituled, "An act for the more effectual transportation of felons, and other offenders, in that part of

Great Britain called Scotland ;” ordered and adjudged, and hereby order and adjudge, that the said Thomas Fyshe Palmer be transported beyond the seas, to such place as his majesty, with the advice of his privy council, shall declare and appoint, and that for and during the space of *seven years* from and after this date ; with certification to him, that if, after being so transported, he shall return to, and be found at large, within any part of Great Britain, without some lawful cause, during the space of seven years, being thereof lawfully convicted, he shall suffer death, as in cases of felony, without benefit of clergy, by the law of England ; for which this shall be a sufficient warrant to all concerned. And further decerned and adjudged, and hereby decern and adjudge, the said Thomas Fyshe Palmer to be carried from the bar back to the tolbooth of Perth, therein to remain till an opportunity offers of transporting him in manner above mentioned ; requiring hereby the magistrates of Perth, and keepers of their tolbooth, to receive and retain him accordingly.

NATHANIEL LILLEY, JAMES MARTIN,
MARY BRIANT,
WILLIAM ALLEN, AND JOHN BUTCHER,
FOR ESCAPING FROM BOTANY BAY, JULY, 1792.

THE particulars of this extraordinary escape are as follow : A Dutch schooner, commanded by Captain Smyth, took a supply of provisions to the settlement at Sydney Cove. A convict, named Briant, and who was married to the prisoner, Mary Briant, persuaded Captain Smyth to let him have his six-oared boat, with an old lug-sail, a quadrant and compass, for which he paid him what money he had, and some he collected among those to whom he entrusted his design ; for the convicts having little use for the money with which their friends had supplied them, on sailing from this country, had most of it by them. Captain Smyth gave him 100lb. of rice, and 14lb. of pork ; they purchased of a convict, who was baker to the colony, 100lb. of flour, at the rate of 2s. 6d. and 1s. 6d. per pound, which with ten gallons of water, was all the provisions they took on board ; and at ten at night, on the 28th of March, 1791, William

Briant, with his wife and two children, the one three years and the other one year old, the other three prisoners, Samuel Bird, James Cox, and William Martin, embarked in this open boat to sail to the island of Timor, which by the nearest run is upward of 1300 miles from the place of their embarkation; but by the course they were forced to take, it was impossible for them to form an idea what distance they might have to run, or what dangers, independent of those of the sea, they might have to encounter; added to this, the monsoon had just set in, and the wind was contrary. Under these circumstances they rather chose to risk their lives on the sea, than drag out a miserable existence on an inhospitable shore. They were forced to keep along the coast, as much as they could, for the convenience of procuring supplies of fresh water; and on these occasions, and when the weather was extremely tempestuous, they would sometimes sleep on shore, hauling their boat on the land. The savage natives, wherever they put on shore, came down in numbers to murder them. They now found two old muskets, and a small quantity of powder, which Captain Smyth had given them, particularly serviceable, by firing over the heads of these multitudes, on which they ran off with great precipitation; but they were always forced to keep a strict watch.

In lat. 26. 27. S. they discovered a small uninhabited island; here was plenty of turtles, that proved a great relief to them; but they were very near being lost in landing. On this island they dried as much turtle as they could carry, which lasted them ten days. During the first five weeks of their voyage they had continual rains; and being obliged to throw overboard all their wearing apparel, &c. were for that time continually wet. They were once eight days out of sight of land, and after surmounting infinite hardships and dangers, they landed, on the 5th of June, 1791, at Cupang, on the island of Timor, where the Dutch have a settlement; having been considerably more than 5000 miles, and ten weeks, all but one day, in performing this voyage. At Cupang they informed the governor, that they had belonged to an English ship, which was wrecked on her passage to New South Wales. The governor treated

them with great humanity, but at length overheard a conversation among them, by which he discovered that they were convicts, who had escaped from the colony in New South Wales. On the 29th of August, 1791, the Pandora of twenty guns, Captain Edwards, was wrecked on a reef of rocks near New South Wales. The captain, and those of the crew who were saved, got to Cupang in their boats; when the governor gave the captain an account of the eleven persons he had there, and of the conversation he had overheard. The captain took them with him to Batavia, where William Briant and his eldest child died. The rest were put on board a Dutch ship, in which Captain Edwards sailed with them, for the Cape of Good Hope. On their passage to the Cape, James Cox fell overboard and was drowned, and Samuel Bird and William Martin died. At the Cape, Captain Edwards delivered the survivors to Captain Parker of the Gorgon, and they sailed with him for England. In their passage home, the younger child of Mary Briant died. The resolution displayed by this woman is hardly to be paralleled. At one time their anchor broke, and the surf was so great, that the men laid down their oars, in a state of despair, and gave themselves up as lost; but this amazon, taking one of their hats, cried out, "Never fear!" and immediately began to exert herself in clearing the boat of water; her example was followed by her companions, and by great labour the boat was prevented from sinking, until they got into a smoother sea.

On July 8, they were put to the bar at the Old Bailey, when the court ordered them to remain on their former sentence, until they should be discharged by the course of law. By this lenient sentence, Mary Briant and James Martin were discharged in six months; William Allen in one year; and Nathaniel Lilley and John Butcher in two years.

J. ANKARSTROM,

FOR SHOOTING THE KING OF SWEDEN, MARCH, 1792.

GUSTAVUS, King of Sweden, having availed himself of his personal popularity to overturn the free constitution of the Swedes, and being about to head a confede-

rated army against the revolutionists of France, some patriotic Swedes entered into a project for putting him to death. The leader was Ankarstrom, who had been a captain of the guards; and he availed himself, as appears by the following narration, of the king's presence at a masquerade, to effect his purpose. This took place on the night of the 16th of March, 1792, at the opera-house in Stockholm.

Of course every measure was adopted to discover the person who fired the pistol, for he could not be distinguished in the crowd; and, after some days, suspicions fell on Ankarstrom, in consequence of the depositions made by a gunsmith and a cutler; the former of these having deposed that the pistols that had been found the ensuing morning at the said place, on the floor, and then exhibited to him, as well as to the whole body of gunsmiths and cutlers (summoned to give any information they could with respect to these weapons) were the same pistols that he some time ago had repaired for one Captain Ankarstrom, who at the time brought them to him and fetched them away; and the cutler having deposed, that this was the identical dagger (likewise found, and shown to him and others) which he about the same time had made on the requisition of the same Ankarstrom—upon these grounds orders issued for the immediate apprehension of this with so much reason suspected Ankarstrom; who, when the commander of the guards, that were come to secure his person, acquainted him with his errand, surrendered his person, acknowledged himself guilty, and expressed his regret at not having succeeded to kill the king on the spot—to use his own words, “in liberating the world and his country from such a monster and a tyrant.” This free avowal being reported to the then sitting regency, further orders were given for an immediate inquest of this affair, and for the trial of Ankarstrom, who with others, likewise apprehended on suspicion, grounded on the confession of the former, of being more or less concerned in this regicide, were brought before the high court of judicature. The court, on proceeding to the examination of Ankarstrom, received the following, and without the least compulsion, delivered confession; viz. “That he, Ankarstrom, and Count Horn, after having conceived

and established a kind of reciprocal friendship and confidence, had to one another disclosed their minds and sentiments respecting the political situation of the kingdom, with which they both were discontented; and agreed, that an assassination of the king was the only means and expedient, for effecting a change in the present government; that Ankarstrom, prompted by personal revenge against the king, for an indictment of *crimen læsæ majestatis* carried on, on behalf of the crown, against him, and in consequence of which, he last year had been condemned to twenty years imprisonment, had offered himself to serve as an instrument for this purpose: that after this, Horn and Ankarstrom conceived a plan for carrying off the king by force during the night, when sleeping at his villa of Haga, and to conceal him: that, in order to explore the situation, and possibility of executing this plan, Horn and Ankarstrom, in the beginning of January last, walked round and through the park, environs, and woods of Haga; but finding it too well guarded, and consequently too dangerous an enterprise, they entirely relinquished this scheme: that Count Ribbing, who, by his friend Count Horn, was informed not only of all that had preceded, but likewise of Ankarstrom's intention to assassinate the king, acceded to this association, and fixed a meeting with these two persons at the estate of Horn, situated at a small distance from Stockholm, called Hufvudstad, where they agreed and resolved as follows:—that the king should be assassinated by Ankarstrom, either with pistols or a dagger, at an opportunity when the murderer could find means to hide himself in a great crowd; and for this reason the play, or the masquerade, was chosen, in preference to any other opportunity.

Agreeably to this, Horn and Ankarstrom went to the play the 16th of January, where they had taken places near the box of the king, in order that the murderer (who was provided with two loaded pistols) might find an easy opportunity to fire at the king when he came through the covered walk, which he generally passed going to the play; and that Ankarstrom, after having fired, might run down the back-stairs, and escape. But the king not going this evening through the abovementioned walk to the play, Ankarstrom found himself

thwarted in his design; he resolved therefore to avail himself of the opportunity of the next play, which was to be given two days after, but was this time, by the same event as before, frustrated in his attempt.

Baffled in their sanguinary wishes, the conspirators met again, and agreed to try the next opportunity, which was a masquerade, to be given the night between the 19th and 20th of January; where Ankarstrom went, but not finding a sufficient crowd of people there, he also deferred the execution of his criminal intent. The following day Ankarstrom and Ribbing set out for the diet at Gefle, where the former, intending to commit the murder, always carried a pair of charged pistols about him, in hopes to meet the king, as he frequently did, walking incognito. After the diet they returned to Stockholm, and it was again determined to make another trial on the 2d of March, when another masquerade was to be given; but by the same reasons as at the preceding, the assassin was prevented from the gratification of his purpose. A third masquerade, which was to have been given the 9th, was put off till the 16th, on account of the rigour of the season during these days. Previous to the masquerade, announced for the 16th, the conspirators assembled at the chateau of Count Horn, where Count Ribbing imparted to them, that Liljehorn, lieutenant-colonel in the army, and major in the king's guards, had been informed by him of the whole, and that he had promised, that the regiment under his command, as well as the battalions of artillery then at Stockholm, and the regiment of the late queen dowager, should assist, in case a revolution could be brought about;—that the Count Ribbing also had imparted this secret to General-Major Pechlin, who had likewise promised his assistance, in bringing about the intended revolution after the king's death. For these reasons, and that of fear in particular, that the secret now imparted to so many, might be betrayed, Count Ribbing further urged the necessity of the king's speedy assassination, in which they all agreed. The next day they met at Count Ribbing's lodgings, where they mentioned to one another the dresses each of them was to wear at the masquerade, and Ribbing promised to engage as many as he could get there, for the sake of enlarging the crowd. Pechlin,

whom they met afterwards, promised the same. Every measure was now taken that the attempt should not fail.

Ankarstrom, accompanied by Horn, went home to charge his pistols (according to his own confession) with one round ball, one square ditto, eleven small shot, and seven nails. This being performed, they both dressed, and went together to the opera-house, the former armed with the abovementioned pistols and a dagger. The king, not being arrived, entered the saloon some time after, holding his grand equerry, Baron Essen, by the arm, and walked forwards to the middle of the theatre, where he stopped. Ankarstrom, observing when the king entered the room, slid betwixt him and his company, and followed him at a small distance, and as soon as the king had stopped, chose his station behind a scene, towards which the king turned his back, and discharged one of his pistols so near that the end of it touched the king's domino. Having fired his pistol, and seeing that the king did not fall from the contents, Ankarstrom drew his dagger, in order to stab the king, but was seized with a kind of trembling, which made him drop not only the pistol, but also the dagger, on the floor; after which he walked away to conceal himself amongst the crowd, crying that a fire was broken out, in which he was joined by several voices.

All now being performed, he sought for an opportunity to rid himself of the other pistol (the contents of which were intended for himself, but his courage failed him), without being perceived. In this he also succeeded before the general search came on; for as soon as the king was wounded the doors were shut, so that nobody could get away, and every body was obliged to unmask, and to be searched, and to write his name before he got out. Ankarstrom, after having undergone this ceremony, went quietly home, where he remained the next morning till he was taken into custody. After having, without any compunction soever, confessed his crime, and being by several convincing proofs found guilty, he was condemned to the highest and most ignominious punishment of his country, that of standing on the pillory for three days in three different squares, and to be publicly flogged by the scavenger's servant on every square, and after that to be carried out of town,

to lose his right hand, cut off by the scavenger; and lastly, to be beheaded by the common executioner, and his body divided into four parts, put upon wheels, and to remain till it was destroyed;—the right hand to be put upon one wheel by itself.

The names of the other persons more or less concerned in the above mentioned regicide, were, Bjelike, baron; Ehrensvard, baron; Hartmansdorff, major in the artillery; Jacob Von Engestrom, counsellor of the chancery; his brother, Jean Von Engestrom; and several others less notorious.

Baron Bjelike took poison as he saw the guards arrive to arrest him, and expired a short time after: Horn hanged himself when under arrest; and another took poison.

Ankarstrom, on the first day of his standing in the pillory, harangued the people, and bore the whipping with great fortitude. The succeeding whippings affected him very much. The clergyman who attended him declared, that he expressed the deepest contrition for the horrible crime for which he suffered, and felt the keenest pangs of remorse, imploring the pardon of his sovereign and of the state, and deprecating the vengeance of the Almighty, which he had so justly incurred, by the violation of one of the most sacred laws of God and of man.

Paper circulated as the Confession of Ankarstrom.

Notwithstanding I was asked, at my first examination in the chamber of the police, if I had written or was privy to the anonymous letter which was sent to the king the evening preceding the unfortunate masquerade, and which was to this effect:—"I am certainly dissatisfied with your government; I cannot, however, approve of the shocking plan which is to-night to be put into execution against you at the masquerade. I therefore beg of you not to go thither: it was intended to have been executed last week; but as the masquerade was then postponed, it is resolved upon for to-night."—I denied, as well in the chamber of police, as afterwards before the Swedish court of justice (Svea Hof Ratt), having had any accomplice in that shocking action. But when I was last Monday evening taken before counsellor Liliesparre (lieutenant of police) to be again examined, I was informed that the person who had written the letter was arrested. I was then also shown some letters from me to Count Horn; a cutlass which the count had borrowed; and some other things which he had discovered to the counsellor, which I now forget, all which I recognized. I was afterwards informed that the count was in confinement, and found by my letters that his property had been

searched, all which led me to believe that he had acknowledged the whole business; if it is not so, it was however all discovered by the infamous writer of the anonymous letter; I say *infamous*, for if he had been honourable he would have dissuaded us from such a step, and without force he need not have discovered it. For all these reasons I found my denial would be of no service, and only cause a torment to my soul. I shall therefore plainly give my reasons for undertaking this shocking action.

In the year 1789, when the infamous pasquinades were permitted to be published against the army and the officers, the violence the king used against the members of the diet, and his other subjects, must certainly have awakened the feelings of every one who was not rendered callous by self-interest; so that many of them could not silently suffer such steps to be taken; upon which the *act of safety* followed, that altered every article in the form of government of 1772, which hindered the king from doing whatever he pleased in the administration of the kingdom. Notwithstanding the king at every diet had got money from his subjects, besides the income of the crown, which was paid by them, an enormous debt was brought forward, which he had incurred; and finally, he went to the hall of the nobles, with a view of getting the grant for the payment of this debt agreed to, as he had seen before that the marshal of the diet, notwithstanding all the infamous steps he had taken, could not induce the nobility to agree to any grant for an unlimited time; and although he came to the hall with a considerable mob of blackguards, who had been treated with strong liquors at all the public houses at his expense, and who filled the streets and squares of the city with noise and riot, rushing into the house when the king came, so that it was with the greatest difficulty they were prevented from getting into the hall itself, the affair was answered with more *noes* than *yeas*, in consequence of which many desired it might be put to the vote; but it was looked upon by the court party as granted. Afterwards, some of the members of the diet were confined in different castles, without any one's knowing for what reason. As to those who were released, it was to be looked upon as a favour conferred on the nobility and themselves. All this, and much more, was done, after one of the greatest faults the king could commit, and which was entirely against the constitution; viz. commencing a war without the consent of the states, and without sufficient reasons. These things could not fail to cause great uneasiness, and shocking sensations against the person who had practised them, in every one's breast who had the least consideration, and who felt for the safety and liberty of his fellow citizens; especially when rendered more shocking by coming from a king who is respected, esteemed, and of consequence only on account of the *nation* by whom he is maintained; for a king is in himself only a sinner, like every one else, but has the confidence of the nation to respect the laws, liberty, and safety; and, of course, to take care that affairs are properly conducted when the nation itself is not assembled (in diet). Against this invasion of all the duties of a king, nothing but shocking reflections occurred to me,

and my heart was entirely alienated from the king, which alienation was strengthened and increased by seeing so many thousand men go to be murdered or die, my fellow citizens oppressed with intolerable grants and taxes, and the people ruined by paper money—all to gain, what was called from the throne, *a glorious peace*. Journeys into foreign parts were undertaken, which cost many tons of gold; and loans were made to as large, if not larger, amount. When we were by these means brought into the most unfortunate situation, a diet was proclaimed only three weeks before its commencement; so that elections and journeys were obliged to be made in the greatest haste, without any adequate necessity. Besides which, the king took all possible steps to prevent well-informed civil officers from attending the diet, which was appointed to be held at a distant place, that it might be expensive and inconvenient for the members to get thither; and to requite the citizens of Stockholm for their indefatigable trouble and expense during the war; also to increase the expenditure, which was very great, by which means the debts of the state would be augmented.

In consequence of all this, I was obliged to make the following reflection: Can he be the king of the country, who is able to break the oath he took to the people, to observe, to govern by, and comply with, the constitution he settled in 1772, which the king himself had drawn up, and which the nation received without alteration, and who can deprive the people of their safety? No; I am convinced that, by all laws both human and divine, a murderer, a man who is perjured, and a violator of the laws, can never be our king; for, as soon as the king has broken his oath and promise in one instance, the whole compact ceases, when a compact has been made: the people, on the other side, have sworn, that if the king governs according to the constitution, they will regard and receive him as their king, and will be loyal to him. In one section of the constitution of 1772, there are words to the following purport: 'whoever endeavours to change or overthrow this fundamental law, shall be looked on as an enemy to the country.' In consequence of which the king declared himself an enemy to his country and people, when the act of safety was issued, and he governed according to that, and not according to the constitution; in consequence of which he is their enemy; and as it is the duty of every man in society to defend his fellow citizens from such as endeavour to commit violence upon his neighbour or his property, and when there is no opportunity to arrest or accuse, every man has a right to put a stop to violence; upon these shocking reflections I resolved shortly after Christmas to kill the king, for I could not depend upon any body, nor lay any plan, as it would have been dangerous. I, however, reflected much whether the king might not by fair means be brought to govern according to law and with tenderness; but the reasons against that were, that to effect this, a number of people and a plan was necessary, which would have caused a discovery, and put us all in an unfortunate situation, similar to that of the Finland officers, without doing any good.

The king was more than gracious to individuals; but if any thing was required or insisted on which was indispensable for the public good, he was angry, as every thing was to be according to his will and pleasure, if it were ever so prejudicial, which I judged to be the case from what had happened in 1789. I therefore thought it best to risk my life for the public good; for living a miserable life ten years more or less, is nothing, when compared to making a whole nation happy. My own misfortunes, which happened at the end of the years 1790 and 1791, together with these sensations and thoughts for the public good, determined me rather to die, than live a miserable life and see my native country daily threatened with new misfortunes by an unrighteous despot, who thought only of himself. This rendered my otherwise tender heart insensible to the horror of this dreadful action.

The other persons accused of participation and foreknowledge of the assassination of Gustavus the Third; also for neglecting to discover whatever had any connexion with it, and had come to their knowledge; namely, the former chamberlain and major Count Claes, Fredericson Horn, and the Captain Count Adolf Ludvig Ribbing, were sentenced by the warrant of the Swedish court of king's bench (Svea Hof Ratt) to have forfeited their nobility, to be declared infamous, to lose their right hands, and to be beheaded and quartered: Lieutenant-Colonel Carl Pontus Liljehorn, and Lieutenant and Baron Carl Frederic Ehrensvar, were to lose their nobility, and Liljehorn his knighthood; and were both condemned to be declared infamous, their estates confiscated, and to be beheaded: the former counsellor of chancery, and knight of the polar star, Jacob Von Engestrom, to lose his nobility, knighthood, and post, and to be confined in some castle during the remainder of his life: the former Major Christopher Von Hartmansdorff, to lose his majority, and be confined one year in a castle: and the secretary of protocoll, Johan Von Engestrom, to be discharged from the service of the king and nation.

His royal highness the Duke of Sudermania, regent, was then graciously pleased to express himself as follows:

"As we, at the death-bed of his late majesty, one of the last days of his life, discoursed with him about his late misfortune, and of the important consequences arising from it, his majesty, whose tender heart was always ready to pardon, was pleased to declare, that the idea of the well-deserved punishment which awaited those concerned in the crime afflicted him very much, nay, more than

his own pains; adding, that he could get no ease from these tormenting ideas, till we had promised and sworn to him, by our fraternal love and princely honour, that in case of his death we would suffer this his last request to avail, to save the lives of these unfortunate subjects who had been so forgetful of their allegiance. Moved even to tears by so generous a care, I ventured, nevertheless, to represent to him, that neither the law of God nor man would admit or suffer that so atrocious a crime should escape a well-merited capital punishment; and that the honour of the Swedish name, as well as the public safety, absolutely required it. His late majesty, greatly moved by these well-meant representations, declared with pain, that if the rigorous law of retaliation required blood for blood, and his intercession, who was the person most concerned, was not sufficient, and consequently, that criminal who had been unfortunate enough to lay violent hands on his person could not possibly be spared from death, he then insisted, that his death should be the only one which his own should occasion; giving their lives to all the others who were accused or concerned of participating in this crime, without regard to their number; which at that time it had not been possible to discover, or positively know. His majesty added finally, this was not only his last request to me as a brother, but his commands as a king; for his power to pardon, as long as he lived, could neither vanish, nor could he be deprived of it; requiring, at the same time, from me the most sacred promises and assurances, which I neither could or ought any longer to refuse him. This remarkable and affecting conversation, which places the generosity and heart of Gustavus the Third in the most advantageous light, and eternalizes his memory even more than the victory of Svensund, is the foundation on which our gracious resolution and will is to be laid. As a christian, as a subject, as a brother, as a man, we neither can, nor ought to recede from the last commands of a dying monarch.---He had full privilege to grant pardon in his own affair. His will was our law when he was in this world; and his brother shall not be stained with the reproach, that he deceived him in death.

“We declare therefore, and only in consequence of the reasons just given, that the well-merited capital punishment to which the former Counts Claes Fredericson Horn, and Adolf Ludvig Ribbing, Lieut. Col. Pontus Liljehorn, and Baron Carl Frederic Ehrensvard, have been condemned by the Swedish court of king's bench (Svea Hof Ratt), shall be changed into banishment for life, with the loss of their nobility, and all other privileges as citizens, letting them immediately be escorted out of the limits of an injured native country, without the least hope of ever being suffered to return to it; forbidding them, at the same time, on pain of the death they have now escaped, to dare to make any kind of petition for it: we leave to repentance and their awakened consciences the charge of their farther punishment, convinced that such corroding reproaches and guilty lives will be for them a far heavier burthen than death itself. We hasten also to let them immediately be banished, that if it is possible the remembrance

of so unheard of an act may by that means be effaced, and which, by their detention in castles within the kingdom, would constantly with new affliction revive the memory of a misfortune, which, without any addition, is of itself sufficiently heart-breaking—let these criminals therefore, immediately, and for ever, withdraw from the confines of Sweden, whose peace and happiness they have destroyed; and, to complete the measure of their crimes, let them be informed, that it was the king, against whose life they dared conspire, who dying, has bestowed to them and returned their own.

“With respect to the others who are accused of this treason; because we, in consequence of his late most sacred majesty’s abovementioned last will and commands, are not entitled to mitigate the rigour of their sentence; neither can we in a case of this nature permit ourself to follow the innate bias of our heart for clemency and mercy; but for this reason, confirm hereby the final sentence of the supreme court which has been just read; in consequence of which the counsellor of chancery Von Engestrom is deprived of his post, and to be confined for three years; Major Hartmansdorff is also to lose his commission, and be confined for one year; the royal secretary Von Engestrom to be suspended from his post in the college of chancery for one year; and Major-General Baron Pechlin to be imprisoned during pleasure, till he is brought to confess. But the justice of peace Nordell, according to the sentences both of the court of king’s bench and supreme court, is entirely acquitted.”

THOMAS PAINE,

FOR A LIBEL, 1792.

Mr. PERCIVAL opened the pleadings on this information, which stated,

“That Thomas Paine, being a wicked, seditious, and ill-disposed person, and being greatly disaffected to our sovereign lord the king, and to the happy government and constitution of this kingdom, as established at the revolution, published a false and scandalous libel of and concerning the said government and constitution, &c.” which libel he afterwards stated.

To this the defendant had pleaded not guilty.

Mr. Attorney-General laid before the jury what appeared to him a plain, clear, and indisputable case. Had it not been that certain circumstances had rendered it of more expectation than ordinary, he should have literally contented himself with reading the different libellous passages from the second part of the publication called the Rights of Man, and left them to the judg-

ment of the jury, without saying one word upon them ; but the accumulated mischief which had arisen from this libel, had rendered it necessary that he should say a few words.

He observed, the publication in question was not the first of the kind which this defendant had sent forth into the world. He had published what is called the first part of the Rights of Man, which, though it was extremely reprehensible, he had overlooked on this principle, that he did not wish to prevent any kind of speculative discussion from coming under the public eye. But another was ushered into the world still more reprehensible, which had been spread over every part of the kingdom with incredible industry, and thrust into the hands of all descriptions of persons in this country. Even children's sweetmeats were wrapped up with parts of it. The most inconceivable industry had been exerted to obtrude this book on the minds of the public, who were not conversant with such subjects, and of which they could form no proper judgment. He had, therefore, thought it his duty to put a charge on the record against the author of this work.

In the first place, he imputed to it a deliberate intention to villify and disgrace, and thereby to bring into abhorrence and contempt, the whole constitution of the government of this country as explained at the revolution—that system of government under which we had the happiness to live at this day. By these means the subjects of this country might be imposed on to their own destruction, and be diffident of that which was their salvation, and upon which every thing that was dear to them depended. He imputed to this book a deliberate design to bring calamity on this country, by destroying that love which we had hitherto had for our constitution. He imputed to the defendant, that he had represented the regal part of the government of this country, bounded and limited as it was, as *oppressive* and *abominable* tyranny ; and he farther imputed to the defendant, that he had represented the legislature of this kingdom as a direct usurpation.

Several witnesses were examined, who proved the hand-writing of the defendant, and, that he was the author of the pamphlet in question.

The evidence being finished on the part of the prosecution,

Mr. Erskine delivered a speech of three hours and twenty minutes long, in favour of the defendant. The true question for the decision of the jury was, when the defendant wrote his book, did he, or did he not, believe he was doing that which would be beneficial to the English nation at large? No matter whether the abuses which he stated existed or not. No matter whether the English constitution was superior to the constitutions of America, France, or any other country on the face of the globe: yet, if Mr. Paine believed that it was not, and, under the influence of that belief, published his "Rights of Man," for what he conceived would tend to the benefit of the English nation, he conceived that was no libel. He addressed himself to the reason of a whole nation; and his client was not a subject of criminal justice unless it could be shewn, that at the time he wrote it was not to promote the happiness, but to produce misery to the subjects of this kingdom. This was the principle, the root and foundation upon which the learned counsel erected his most ingenious defence.

The learned counsel produced many authorities in point, from the most celebrated authors, in support of his defence, on the principles of the liberty of the press; particularly from some of the political works of Mr. Burke. He also cited the authority of Milton, Locke, Hume, Sir George Savile, Dr. Johnson, Dr. Price, Dr. Paley, Lord Loughborough, and Earl Stanhope. How great had been the progress of literature, science, and government, in consequence of the publication of new opinions which were improvements upon the old! Had it not been for that circumstance, we must still have been savages among the woods, living in a state of nature. If they attended to the course of the world with regard to the dissemination of truth, they would find that the universal God that created us, the author of our nature, was one of the first martyrs on account of the dissemination of truth, when he came to give it propagation. The Saviour of the world expired on a cross for stating that which was the object of scorn at the moment it was published. His blessed followers experienced the same fate. Our Saviour might have come

in the flesh, like the Mahometan prophet; he might have come like a great sovereign; he might have appeared at once in dignity and authority: but he came to confound the pride of man, and to preach those universal and equal rights which have been the great privileges of mankind in every age of the world; and therefore he came in that low state in which he is described, and preached his consolations to the poor.

Mr. Attorney-General was about to reply, on the part of the prosecution, when the gentlemen of the jury told him there was no necessity for giving himself the trouble; and immediately found the defendant—*Guilty*.

HENRY GRIFFIN,

ALIAS GEORGE HOBART, *ALIAS* THE DUKE OF ORMOND,
ALIAS LORD MASSEY.

FOR FORGERY, 1792.

GRIFFIN was a swindler who availed himself of a good education, very handsome person, and an insinuating address, to accomplish a great variety of frauds. He was born in America, and had a commission in the British army, but having sold it, and being without means to support an expensive style of living, he long lived on the credulity of tradesmen and others, both in London and Paris, where the revolution afforded him easy introductions. Going to Newmarket, he betted largely, and under pretence of paying his bets, rode to the bank with other gentlemen, and asked for £500 on his check in London, as Duke of Ormond; which the banker readily gave his supposed grace, though the title had long been extinct.

He evaded pursuit, and passed into the midland counties, and resided under his proper name of Griffin, at an inn at Leicester; where he joined others in the general laugh at the Newmarket banker, whose loss had been explained in all the newspapers. The innkeeper had a fair daughter, who was engaged in marriage to one King, who kept another inn; but the irresistible address of Griffin so fascinated her, that she eloped with him. Her father, and King her lover, pursued them, and found them at the Hen and Chickens, Birmingham; when, having procured a constable, they forced open

the room; on which Griffin fired at the assailants, and wounded King in the jaw so severely, that for some days his life was despaired of. For this act, Griffin was committed to Warwick gaol, and while there, was accidentally identified as the person, who, at Newmarket, had personated the sham Duke of Ormond, and committed numerous other frauds.

His prosecutors selected a capital charge, and he was indicted at Warwick, for feloniously forging, uttering, and publishing as true, a certain paper writing, commonly called an inland bill of exchange, purporting to be drawn by the Earl of Tankerville, upon Messrs. Coutts and Co. bankers, London, requiring them to pay to Lord Massey, or bearer, £1449, with intent to defraud Charles Green, and his co-partner Robert Willerton; he the said Griffin, alias Hobart, at the time of such uttering and publishing the said bill of exchange, well knowing the same to be forged and counterfeited, against the statute.

Mr. Green deposed, that he was a jeweller, in partnership with Mr. Willerton, living in Bond-street; on the 16th of March, 1791, the prisoner came to their shop, appeared grand, and desired several articles of jewellery might be sent to his apartments, 36, St. James's-place, leaving at the same time a copper-plate card, with his assumed name of Lord Massey upon it.

About four in the afternoon, Mr. Green went to the house, and was ushered up stairs into the dining-room by a servant in livery; he there saw the prisoner, and had a short conversation, when the servant announced the arrival of Dr. Hunter, and he was requested to withdraw; a few minutes after the doctor's departure, the prisoner looked at the goods Mr. Green had brought, and purchased a pair of diamond ear-rings, a gold watch set with diamonds, a chain, and other articles, and gave him a draft for £760, signed Lord Tankerville, and payable to Lord Massey. The note was refused as a forgery; and Mr. Green returned to the prisoner's house, but found him gone.

The jury having found him guilty, he was hanged at Warwick; being then only twenty-five years of age.

As a specimen of his poetical talents, the following Soliloquy was found in his cell after his execution:—

SHALL he ignobly in a rope expire,
 Whose hand can wake to ecstasy the lyre?
 Shall he be branded with the mob's hard curse,
 Who oft hath pour'd the sweetly vary'd verse?
 Whose manly Muse, indignant of control,
 Can wake such notes as harrow up the soul?
 Or paint, with social sympathy imprest,
 The rapt'rous anguish of a lover's breast?
 Yes, say, shall one, endow'd with gifts like these,
 Wit, sense, good humour, elegance, and ease,
 For erring once amidst the storms of strife,
 Be rudely blotted from the book of life?

Tho' Justice, leaning from her seat sublime,
 Demands a due atonement for each crime,
 Yet doom me not to mingle with the dead,
 With all my imperfections on my head;
 Let me to earth's extremest verge be driv'n,
 That penitence may smooth my way to Heav'n:
 Ah! no, what solace can existence give
 To one condemn'd in infamy to live?
 Who, scorn'd by others—of himself asham'd,
 Is shunn'd, and spoke of—only to be blam'd.

When truth and virtue from the breast depart,
 The clouds of sorrow gather round the heart;
 And keen remorse, where e'er we chance to stray,
 Becomes the sole companion of our way.

Yet, tho' degraded to a state like this,
 And 'reft of social and domestic bliss,
 If doom'd to visit that opprobrious land,
 Where impious exiles form a desperate band,
 Some sober scheme I'll studiously enforce,
 And, self-repenting, tread in virtue's course;
 A little useful seminary found,
 And spread the flame of reformation round;
 Instruct the offspring of ill-fated hinds,
 And sow the seeds of wisdom in their minds;
 Teach them to teem with sympathetic thoughts,
 And weep in pity o'er another's faults;
 'Till, wak'd to prudence by their parents' shame,
 They grow ambitious of a virtuous name.

But, ah! what favour can I hope to find?
 No glimpse of pardon dawns upon my mind!
 Fate calls my trembling spirit to the skies,
 And ignominious death must seal mine eyes!

To Thee, great God, whose piercing eye can dart
 Through the dark windings of the human heart,
 To Thee I pour my supplicating cries——
 For Thou art, yet, as merciful as wise;
 Oh! deign from thy ethereal throne to hear
 The invocation of a soul sincere:
 And, since thy goodness has allow'd me time
 To see my error, and repent my crime,
 Oh! grant an earnest of eternal day,
 Nor cast thy prostrate penitent away!

The landlord's daughter was inconsolable; became religious, first a Methodist, and then a Quaker; and refused to marry the man who had been instrumental in bringing her favoured lover to so untimely an end

THE REV. W. WINTERBOTTOM,

FOR PREACHING A SEDITIOUS SERMON, 1792.

SOME informers proved that during his discourse, the defendant talked a great deal about the revolution in 1688. He was sorry to see the laws so much abused as they were at present. He also spoke of the French revolution, and he did not doubt but that it would open the eyes of every Briton. He asked, why the streets were so crowded with vagrants, the workhouses with beggars, and the gaols with thieves? All this, he said, was to be attributed to our oppressive taxes. It was high time for the people of this country to stand forward and assert their rights. He made mention of the national debt—he denied that any part of it was paid off; it was only like taking money out of one pocket and putting it into another. He said, his majesty had no more right to the throne than the Stuarts, if he did not maintain the laws and established rules of the country. He urged, that the revolution in France was wisely calculated for spreading the Gospel through twenty-five millions of people.

The defendant was also indicted and convicted at the same time, for preaching, at Plymouth, another seditious sermon, on the 18th of November, 1792. He took his text from Romans xiii. 13. viz. "The night is far spent, the day is at hand; let us therefore cast off the works of darkness, and let us put on the armour of light." In the course of this discourse, some informers swore, that the defendant introduced several strong political observations.

After the evidence on both sides had been heard, the jury found the defendant *Guilty*.

Judgment having been prayed, Mr. Justice Ashhurst thus addressed the defendant:

"William Winterbottom, you have been found guilty of preaching two seditious and atrocious sermons. The first act of this daring profligacy you committed on the 5th of November, and the second on the 18th of the same month. It has been stated, that you are a dissenting preacher, of what sect of religion you are, I know not; but I can collect from your preaching, that you are not at all connected with the christian religion; for the chris-

tian religion, after first regarding the duty of God, teaches and inspires love for, and obedience to, the established government; but the tendency of your doctrine is to overturn all order, religion, morality, and government, and to introduce anarchy and confusion. Your doctrine goes to the abuse of that toleration by which it is meant, that every man may be at liberty to reverence God in the way that his conscience may dictate. But your conscience dictates no such principles; therefore the means that you have taken is a double aggravation of your guilt, and merits a two fold punishment. In one part of your sermon, you approve of the revolution in France. As to the first proposition, it is sufficient, that the pernicious designs intended to have been executed are frustrated. As to your second opinion, that the French revolution would open the eyes of the people of England, there I agree with you, it does open the eyes of the people—it has taken the veil from off the hacknied system of liberty and equality. All practical equality consists in affording equal protection. This chimerical project has been tried in a neighbouring nation, the lamentable effects of which will be handed down with sorrow to the latest generation. This system, which has been tried, must press upon the minds of men, and must operate more forcibly than a volume of arguments. As to your second proposition, it is impossible to be justified; you have alledged that the present form of government is a scourge on the people; but that the yoke of bondage will be soon broken; that persecution is near its end, and that every man will soon have to boast of equality. As to your saying, that the French revolution will open the eyes of the people, I trust it will also open your eyes, and be a scourge to those who wish to introduce anarchy and confusion. This court having taken the malignity of your offence into their serious consideration, do consequently order and adjudge, that, for your first offence, you pay a fine of £100 to the king, and that you be imprisoned in the new prison, Clerkenwell, in the county of Middlesex, for the term of two years; and that for your second offence, you pay a fine of £100 to the king, and be imprisoned in the new prison, in Clerkenwell, for the term of two years, to be computed after the expiration of your first imprisonment; and that at the end of your imprisonment, you give security for your good behaviour for the term of five years, yourself in £500, and two sureties in £250 each."

THOMAS MUIR, THE YOUNGER,

FOR SEDITION PRACTICES, 1793.

THE prisoner, in the indictment, was accused of wickedly and feloniously exciting, in November, 1792, at different meetings at Kirkintilloch, Campsie, &c. denominated societies for reform, by means of seditious speeches and harangues, a spirit of disloyalty and dis-

affection to the king and the established government—of advising and exhorting persons to purchase and peruse seditious and wicked publications and writings (viz. Paine's works, a Declaration of Rights, the Patriot, &c.) calculated to produce a spirit of disloyalty and disaffection to the king and government—of distributing or circulating a seditious writing or publication of the tendency aforesaid, or causing to be distributed or circulated such seditious writing or publication—of producing and reading aloud, in a public meeting or convocation of persons, a seditious and inflammatory writing (viz. An address from the society of united Irishmen in Dublin, to the delegates for promoting a reform in Scotland), tending to produce in the minds of the people a spirit of insurrection and opposition to the established government—and publicly approving of and recommending, in the said meeting, such seditious inflammatory writing, &c.

To these charges, Mr. Muir pleaded not guilty.—He said he had nothing to observe on the relevancy; he would trust himself entirely to the jury. He had given in, when last before the court, written defences, in which he declared the libel to be false; and that he would prove, that he all along supported the constitution. Being asked if he had any other defence, he said he rested upon his written defence; he had uniformly advised the people to pursue legal and constitutional measures; and that he had also advised them to read all books written upon the great national question of reform.

The jury being named, Mr. Muir objected to every one of them; he said, that as the gentlemen, however respectable, were all subscribers to the Goldsmiths'-hall association, and had offered a reward for discovering those who had circulated what they deem seditious writings, they had already prejudged him; and were, therefore, improper persons to pass on his assize.

The solicitor-general, in reply, said, that their lordships were equally precluded, as they had, with every friend to the constitution, condemned the writings of Paine.

The court unanimously repelled the objection.

The first witness called was Alexander Johnston,

bleacher, at Kincaid Bleachfield. Mr. Muir objected to his testimony, as he could produce evidence to prove that the witness had said he would do every thing in his power to have him hanged. The court repelled the objection, and the witness swore, that Mr. Muir was present at a meeting of the friends of the people at Kirkintilloch, in November last, where he harangued the people; in which he observed, that this country was not properly represented. He entered into a comparison between our constitution and the French, and said they were more equally represented, two-thirds of their national debt paid, their taxes less, and that they would be successful; advised them to petition parliament, and publish their proceedings. On a cross-examination, the witness said, that Mr. Muir recommended peace, for any tumultuous act would ruin their cause.

Robert Widdel, a vice-president of the society, was likewise present at the meeting, and heard Mr. Muir say something about the unequal representation of the people, and that Paine's works were foreign to their purpose.

Mr. James Lapside, minister of Camplie, was objected to, as being present at the precognition of the witnesses, taking notes, and even putting questions to some of them. Several witnesses were examined upon this point; and the fact being proved, the lord-advocate gave up his evidence.

Henry Freeland, president of the society, also heard Mr. Muir's speech. After the society broke up, Mr. Muir, Freeland, and others, retiring to a public-house, the witness expressing a wish to see Paine's works, Mr. Muir said, he had a copy in his great-coat pocket, which he might read; that he accordingly did so, and lent it to several of his neighbours.

Here the trial was interrupted for some time, by a requisition from Mr. Muir, that a gentleman at the clerk's table should be inclosed as an exculpatory evidence; which, after a little altercation, was passed over.

William Muir declined swearing. He said, it was against his principles, as he was a Mountaneer. Being told he must either swear or go to gaol, whence he would never be liberated, he said he could not help it; he hoped the Lord was there as well as any where else. He was accordingly committed. His scruples being

afterwards removed by the Rev. Mr. Dun, he was examined, and swore he saw Freeland take Paine's works out of Mr. Muir's pocket; and that Mr. Muir gave the witness a copy of the Political Progress, and ten or twelve numbers of the Patriot; that he desired him to shew them to the members of his society, and would not take them back.

Ann Fisher said she was servant to Mr. Muir's father in autumn last, and that he was then much employed in reading and writing, but she did not know what; that she carried from him to the printer, a Declaration of Rights, marked with some corrections, to be reprinted; that a number of country people coming to the shop of Mr. Muir's father about this time, a deal of conversation passed concerning Paine's Rights of Man, which she had heard the prisoner say was a good book; that she several times bought both parts of the book, and gave them to different people; that Mr. Muir wished his hair-dresser (Mr. Wilson) to purchase them, and keep them in his shop to enlighten the people, saying, that it confuted Burke entirely; that she had seen the Paisley Declaration in Mr. Muir's house, and a Dialogue between the Governors and the Governed, which last he said was very clever, and written by one of the first men in France; that she heard Mr. Muir read part of the Paisley Declaration in his father's back shop, and that the common topic of his conversation was politics; that Mr. Muir said, when the reform took place, he would be member for Calder; that members would then be allowed 30s. or 40s. a-day, and that none but honest men would be admitted to keep the constitution clean; and when the constitution was put under a proper foundation they would get new counsellors, who would govern the nation with justice; that France would soon be the most flourishing kingdom in the world, for they abolished tyranny; that she had caused the organist in the street to play *Ca Ira*, at Mr. Muir's desire.

Thomas Wilson, barber, said that Mr. Muir exhorted him to purchase Paine's Rights of Man.

John Muir said, that Mr. Muir's maid bought a copy of Paine for him.

James Campbell, writer to the signet, said he was present at a meeting of the convention of delegates in

December last; that Mr. Muir read the address from the United Society of Irishmen, and moved that it should be answered; which was opposed by others in the society, and at last negatived.

James Denholm, writer in Edinburgh, deposed to the same effect.

Mr. Muir having admitted the declarations he made at Edinburgh and Stranraer to be his, and also the pocket book and papers found upon him; the evidence for the crown was closed.

Evidence for Mr. Muir.

William Skirving, of Strathruddle, said, that Mr. Muir went to London, to be present at a meeting of the friends of the people; that he received a letter from Mr. Muir at London, giving an account of what he did at the meeting; that it was the opinion of the society in London that he should go to France, in order to see if he could have any influence to prevent the execution of the king; that he received a letter from Mr. Muir at Paris, informing him that he would return to his friends in Scotland immediately; that he had frequently been in company with Mr. Muir, both in societies and privately, and never heard him speak against the constitution, but the reverse; that his whole conduct was of a contrary tendency, and that he disapproved of Mr. Paine's principles of government. He (Skirving) was secretary to the general convention.

James Campbell, writer to the signet, produced two letters received from Mr. Muir in France, expressing his sorrow for being obliged to leave so amiable a circle. He never heard Mr. Muir speak against the constitution; but had heard him say, Paine's works were dangerous for weak minds.

John Buchanan, William Johnston, Esq., Maurice Thompson, Charles Salter, Mr. Reed, and a great number of other witnesses, swore to the regular and peaceful behaviour of Mr. Muir; and all of them concurred that he uniformly declared his respect for the constitution; said it was an excellent constitution, the best in the world, and that the king was the father of his people; that upon all occasions he recommended the same principles to the different societies with which he associated,

The Lord-Advocate addressed the jury. He said, that if, in the range of his official duty, in bringing persons to the bar accused of similar offences, there had been any one whose conduct was more peculiarly marked by the spirit of diabolical mischief, this was the man! Under the pretence of reform, he had been at particular pains to instil into the minds of the uninformed and unwary, doctrines of the most pernicious tendency, destructive of all order, and calculated to overturn the constitution; and by an insidious comparison between France and this country, had left no room to doubt that his wish was to introduce the same anarchy, which, in that infatuated nation, had occasioned such bloodshed and ravage. Of the writings of that wretched outcast Paine, he would say little. The opinion of the country sufficiently marked the detestation in which they were held. The boasted interference of the prisoner to save the unfortunate king of France, sufficiently pointed out that he was a missionary to that country.

His lordship then recapitulated those parts of the evidence, which, in his opinion, indelibly stamped the criminal intentions of the prisoner, whose actions justified his stigmatising him as the pest of Scotland. He concluded, by demanding from the jury such a verdict as their regard for their country and its laws, which they were bound to preserve inviolate, and the voice of their conscience, must naturally dictate to them.

Mr. Muir then rose. He said, that amidst the inquisitorial keenness of his adversaries, aided as they had been by domestic spies, it was a consolation to him that his moral character had been unimpeached. The accusation of sedition was merely a pretext: his real crime was, he had been a friend to reform; and to this charge, had it been so laid, he would have pleaded guilty at once. But why should he be singled out as a victim on this occasion? Were not the present minister, Mr. Pitt, and the Duke of Richmond, at one period, equally the advocates of reform? And if he was the pest of Scotland, with equal propriety might they be termed the pest of England.—Nay, not to go out of court, was not the lord-advocate himself, not many months ago, a reformer, in being a delegate for amending the representation of the counties of Scotland? He quoted Blackstone, to

show that his opinion of the representation of this country was similar to his own.

As to the affairs of France, of which so much had been said, with respect to some advantages they possessed, by their constitution and mode of taxation, he had only stated facts, which he trusted could not be considered seditious. He denied his having any mission to that country; and, unless any anxiety to prevent the effusion of blood were criminal, no circumstance attending his visit to that country could be deemed so. He then mentioned the circumstances which occasioned the delay of his return to this country from France; the difficulties he encountered in effecting it; and the readiness he had ever shown to subject himself to a verdict of his countrymen. He concluded with an earnest appeal to the jury, as they regarded their future peace of mind, to return a verdict of acquittal.

The Lord Justice Clerk having summed up the evidence, the court rose about two in the morning, and at twelve on Saturday the jury returned a verdict, finding the prisoner *Guilty*.

The court then sentenced Mr. Muir to be transported beyond seas, to such place as his majesty, with the advice of his privy council, should judge proper, for the space of fourteen years.

Mr. Muir observed, that had he been carried from the bar to the scaffold, he would have met his fate with equal coolness, so convinced was he of the justice of his conduct. He was then conveyed to the tolbooth.

On the first of December, Mr. Thomas Muir and the Rev. T. F. Palmer arrived in the river from Leith, on board a revenue cutter. Orders were sent down for delivering them into the custody of Duncan Campbell, the contractor for the hulks at Woolwich; the former in the *Prudentia*, and the latter in the *Stanislaus*. They were in irons among the convicts, and were ordered to assist them in the common labour, on the banks of the river. Mr. Muir associated with about 300 convicts, among whom he and Mr. Palmer slept after their arrival. Mr. Muir was rather depressed in spirits; but Mr. Palmer appeared to sustain his misfortune with greater fortitude. Several attempts were made by Mr. Sheridan, &c. in the House of Commons to have the sentence revoked;

but all means proved ineffectual. In about ten years Mr. Muir made his escape from New South Wales, reached Mexico, and came to Europe in a Spanish frigate, which was encountered by a British frigate off Cadiz. Mr. Muir's zeal led him to expose himself too much during the action, and he received a wound, of which he died at Cadiz.

THE REV. RICHARD BURGH,
THOMAS TOWNLEY M'CAN, JAMES DAVIS,
JOHN CUMMINGS, AND JOHN BOURNE,
FOR A CONSPIRACY TO SET FIRE TO THE KING'S BENCH.

THIS trial came on before the judges of the court of King's Bench, and a special jury. The indictment charged the pisoners with a conspiracy, in attempting to demolish the walls of the King's Bench prison, in order to effect their own, and the escape of other prisoners, and with having, for that purpose, introduced a large quantity of gunpowder.

Mr. Garrow, as one of the counsel for the crown, opened the pleadings.

The Attorney-General then stated the case with his usual abilities and precision. He said he flattered himself it would be found, that he had done no more than his duty in bringing the several defendants before the court. The offence with which they were charged was of the utmost importance to the peace and safety of the capital; for it not only had for its object the demolition of the King's Bench prison, but involved the burning of other houses, bloodshed, and murder. He lamented that five persons, well educated, and of respectable families, should, by their folly and imprudence, to call it by the softest name, bring themselves into such an unfortunate situation; one was a reverend divine, another an officer in the army, another had been in the profession of the law, and the others of respectable parents; and, as he understood, started in the world with fair prospects of being honourable and useful members of the community. The attorney-general then said, that this case was pregnant with the most alarming circumstances, which would be better detailed by the witnesses than described by him.

The prisoner, Burgh, was the private chaplain to the Duke of Leinster, and a relation to the speaker of the Irish House of Commons.

The first witness was Mr. Justice Buller's clerk, who produced a record to prove, that the prisoner Burgh was lawfully confined in the King's Bench prison for debt. Evidence was produced to prove that the other prisoners were also confined in the same prison for debt.

Edward Webb said, he knew all the prisoners; about the beginning of May last, he was introduced into a society called the *convivials*, held in a room in the King's Bench prison, of which the prisoners were members. M'Can expressed himself very freely upon the subject of Lord Rawdon's bill, then pending respecting insolvent debtors, and said, that if that bill did not pass into a law, he and others were determined to do something to liberate themselves, and that there was a scheme in agitation for that purpose; but that the parties were sworn to secrecy, and therefore he could not divulge it: the witness said he might safely communicate the business to him; the prisoners Cummings and Davis were present at this time. M'Can afterwards opened the business to the witness; he said, the plan in which he and the other prisoners were concerned, was to effect their own enlargement, by demolishing the walls of the prison, as they were determined not to be confined within those walls for debt; the execution of this plan would however depend upon the rejection of Lord Rawdon's bill: after they had effected their escape, by setting fire to the prison, they would then go to the Fleet-prison, and liberate the prisoners; after which they should proceed to the houses of Lords Thurlow and Kenyon, which they would destroy. Davis said, he should not hesitate himself to blow out the brains of those noble lords: the witness saw the other defendants, who conversed upon the subject, and it was proposed to procure some sailors to assist them: this scheme was, however, defeated by the vigilance of the marshal, who sent for the guards, and had the prison searched throughout. A short time afterwards the witness saw M'Can, Cummings, and Davis, again, who said, that though they were defeated in the former scheme, they were determined to put some other plot into execu-

tion. The next day Cummings (who was called the captain) said to the witness, "I have discovered the best plan that could be conceived for blowing up these d—d walls.—I'll shew you the place." He then took the witness to the end of the bakehouse, and pointed out to him a place where the drain had been opened; he then described the force necessary to blow up the walls, and said, he had studied the scheme upon his pillow; he then said, it would be necessary to have a box about ten inches wide and as many deep, and described the tubes that were to convey the fire to the box, which he said must contain about fifty pounds weight of gunpowder, and requested the witness would get it made. In the evening of the same day the witness saw M'Can and Davis come out of the coffee-room, and, alluding to the plot, said "it was a glorious plan, and they would support it to the loss of their lives;" they said, no other person should be privy to it except Mr. Bourne, who was concerned in the former scheme, and who had got a large quantity of gunpowder ready: the witness observed to them, that the neighbouring bakehouse and coffee-room would be in danger, and that poor Martin, who had a large family, would be killed; they replied, it was no matter if they or a dozen more were killed, provided it procured the prisoners' freedom.

In a day or two afterwards the witness was walking upon the parade with Cummings, M'Can, and Rouen; he asked if Mr. Rouen knew of the plot; they said he did. Rouen said they should have the powder, and that Mrs. Rouen should bring it to the witness' house in small quantities. M'Can then proposed that, in order to raise money to purchase the gunpowder, a motion should be made in the club of conviviais for a subscription of five shillings each, under a pretence of feeling counsel to know whether the marshal had a right to enter his prisoners' apartments when he pleased: this proposal was agreed to, and the motion was accordingly made. After several other consultations, at which all the prisoners were present, it was agreed that the gunpowder should be deposited in a hole in the floor in Burgh's room, where it was afterwards found. It was also agreed, that, on the day the plot was to be carried into

execution, M'Can and Bourne were to have a sham fencing-match for a great sum of money: this was to collect together all the prisoners at the time the gunpowder was set fire to, and thereby afford them a chance of making their escape. The day was at length fixed to be on a Sunday, in July, about seven o'clock in the evening, being a time at which a number of strangers were in the prison. Cummings had the sole management of this plot, and he said all the rest of the prisoners ought to get him a patent for so excellent a scheme. Burgh said, that the noise and confusion it would create, would, he hoped, bring about a revolution in this country.

The box was produced in court.

H. T. Hendacre confirmed the substance of the evidence of the last witness, as did Mr. Battersley. These witnesses stated, by way of addition, that Davis gave half a guinea to purchase some gunpowder; that the prisoners carried on a correspondence with a society in the borough of Southwark; that Mr. Dunda's house was one that was fixed on for destruction; that the prisoners had two schemes in contemplation to effect their escape; the one was, to tie down all the turnkeys; the other was, the gunpowder-plot in question, of which Cummings had the sole conduct, he being considered the engineer.

A seditious song, stated to be written by M'Can, was also produced and read in court.

Mr. Rouse made a very able speech on behalf of the prisoners. He called three witnesses to impeach the credit of the witnesses for the prosecution, but their evidence was of little effect.

Lord Kenyon summed up the whole of the evidence in the most able and impartial manner; after which the jury retired for a short time, and upon their return, found all the prisoners—*Guilty*.

They were severally sentenced to three years imprisonment, but in different prisons.

JOHN FROST, Esq.

FOR SEDITIOUS WORDS, 1793.

The following is part of the indictment :

Middlesex (to wit).—The jurors for our lord the king, upon their oath, present that John Frost, late of Westminster, in the county of Middlesex, gentleman, in the presence and hearing of divers liege subjects of our said lord the king, then and there present, maliciously, unlawfully, wickedly, and seditiously, did say, assert, affirm, and pronounce, and with a loud voice did publish these malicious, seditious, and opprobrious English words following (that is to say), I (meaning the said John Frost) am for equality ; I (meaning the said John Frost) see no reason why any man should not be upon a footing with another, it is every man's birthright ; and that the said John Frost being thereupon then and there asked by one of the persons then and there present, how he, the said John Frost, dared to hold such language in any public or private company, and what he meant by equality ; he, the said John Frost, then and there wickedly, maliciously, and seditiously, in the presence and hearing of those subjects, replied in these words (that is to say), why, no kings ; and thereupon the said John Frost being further asked, if he meant no kings in this country, he, the said John Frost, wickedly, maliciously, and seditiously, in the presence and hearing of those subjects, answered in these words (that is to say), "Yes, no king," the constitution of this country is a bad one (meaning thereby, that the said John Frost was for having no king in this realm, and that the constitution of this realm was a bad one in having a king), to the great scandal and contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

To this indictment, the defendant, on the 15th of February, 1793, gave bail, and pleaded not guilty.

Mr. Attorney-General.—Gentlemen, the transaction which the indictment charges him with, happened on the 6th of November last ; you will find from the conversation, as it will be given in evidence to you, that Mr. Frost had, I think, returned from France shortly before ; that he had dined with a set of gentlemen, whom I believe to be very respectable, at the Percy coffee-house upon that day ; he came into the public coffee-house between nine and ten in the evening, as nearly as I am able to ascertain the time, and a gentleman who had long been acquainted with him, to whom I believe I may venture to say, Mr. Frost was certainly under no disobligations in life, seeing him, addressed him as an acquaintance, asked whether he was lately come from France, and how matters went on in that country ? Mr. Frost told him he was lately come from France, and expected soon to go there again ; he then added the words that have been read to you from the indictment ; I am for equality ; I can see no reason why any

man should not be upon a footing with another: it is every man's birthright. Some persons present in this coffee-room, the general conduct of all of whom, I think, will have some influence upon your judgment, with respect to the mind with which Mr. Frost conducted himself upon that day, immediately asked him, what he meant by equality? to which he answered, why, I mean no king. What, dare you to own in any public or private company in this country such sentiments? Yes, I mean no king, the constitution of this country is a bad one. What were the other particulars of the conversation that passed, I am unable to state to you; but you will find the zeal and anxiety which a number of respectable persons acted with upon this occasion, made it very difficult for Mr. Frost to pursue this sort of conversation any further; and in what manner Mr. Frost left the coffee-house, and under what feelings and apprehensions in the minds of those who were there, I shall leave it to you to collect from the witnesses, rather than attempt to state it myself.

John Taft sworn.

Do you know Mr. John Frost?—I never saw him but that evening in my life.

What evening?—The 6th of November last.

Where were you that evening?—In the Percy coffee-house.

What did you first perceive with respect to Mr. Frost?—He addressed himself, I think, first to Mr. Yatman, but that I am not certain, he was asked how long he had been returned from France.

What more?—There was nothing more till a few minutes after he went into the body of the coffee-room, two or three boxes from where I was; I heard him exalting his voice, and he was for equality—"I am for equality"—upon which I got off my seat, and I went forward, and inquired "Who are you, sir?"

Lord Kenyon.—You asked him?—Yes, because I did not know him. Mr. Yatman answered, that is Mr. Frost; upon which I asked him, how he dared to utter such words? He still continued, I am for equality and no king. Mr. Yatman asked him, if he meant no king in this country, and he said, yes, no king, or no kings; I rather think it was in the plural number. That the constitution of this country was a very bad one.

Did he say any thing more?—He said nothing more. I said, he ought to be turned out of the coffee-room; upon which he walked up the room and placed his back to the fire, and wished, I believe, rather to retract, if he could have retracted, what he had said; but he still continued, he was for no king, and he was for equality. He quitted the room very shortly after by a general hiss from all the company.

Paul Savignac examined.

Do you remember seeing Mr. Frost at the Percy coffee-house?—I saw a person whom they called Mr. Frost, but I never saw him before nor since.

Lord Kenyon.—What did he say?—He was not in the box; he was walking up the middle of the coffee-room, and he said, I am for equality and no king. I heard Mr. Yatman press his brow and say, what, equality and no king in this country! upon which

Mr. Frost answered, yes, no king, there ought to be no king. I heard nothing more in conversation pass. I stepped from the box and asked him, how he dared to hold a doctrine of that kind in a public coffee-room? he made some reply as before, that he was for equality and no king. I told him, if he was not under the protection of the very king he was then reviling, I would kick him out of the coffee-room. Upon which he asked me, if I doubted his courage. I told him, certainly he would not have made use of such expressions without, because I should have supposed it to be an insult to make use of such expressions in a public coffee-house. He was then handled by other gentlemen, and I sat down; but very soon afterwards he left the room, under the execrations and hisses of all the room.

Matth. Yatman and others, deposed to the same effect.

Mr. Erskine.—Gentlemen of the Jury, Mr. Frost, the defendant, a gentleman, who upon the evidence stands wholly unimpeached of any design against the public peace, or any indisposition to the constitution of the kingdom, appears to have dined at the tavern above the Percy coffee-house, not even with a company met upon any political occasion, good or evil, but has been admitted in the opening, with a society for the encouragement of agriculture, consisting of most reputable and inoffensive persons, neither talking or thinking about government, or its concerns; so much for the preface to this dangerous conspiracy. The company did not retire till the bottle had made many merry circles; and it appears upon the evidence for the crown, that Mr. Frost, to say the least, had drank very freely; but was it then, that with the evil intention imputed to him, he went into this coffee-house to circulate his opinions, and to give effect to designs he had premeditated? he could not possibly go home without passing through it; for it is proved that there was no other passage into the street from the room where he had dined: but having got there by accident, did he even then stop by design and collect an audience to scatter sedition? so far from it, that Mr. Yatman, the very witness against him, admits, that he interrupted him as he passed in silence towards the street, and fastened the subject of France upon him, and every word which passed, (for the whole is charged upon the very record as a dialogue with this witness) in answer to his entrapping questions, introduced with the familiarity of a very old acquaintance, and in a sort of banter too, which provoking answers in the same spirit, gave a turn to the conversation, which renders it ridiculous, as well as wicked, to convert it into a serious plan of mischief; "Well," says Mr. Yatman, "well, Mr. Equality, so you have been in France, when did you arrive? I suppose you are for equality, and no kings?" "O yes," says Mr. Frost, "certainly I am for equality, I am for no kings." Now beyond all question, when this answer was made, whether in jest or in earnest, whether when drunk or sober, it neither had, nor could have, the remotest relation to England, or its government: France had just abolished its new constitution of monarchy, and set up a repub-

lic. She was at that moment divided and in civil confusion on the subject; the question therefore, and the answer, as they applied to France, were sensible and relevant, but to England or to English affairs they had not, (except in the *ensnaring* sequel,) the remotest application. Had Yatman, therefore, ended here, the conversation would have ended, and Mr. Frost would have been the next moment in the street; but still the question is forced upon him, and he is asked, "What, no kings in England?" although his first answer had no connection with England; the question, therefore, was self-evidently a snare, to which he answered, "No kings in England," which seemed to be all that was wanted, for in a moment every thing was confusion and uproar. Mr. Frost, who had neither delivered nor meant to deliver any serious opinion concerning government, and finding himself injuriously set upon, wished, as was most natural, to explain himself, by stating to those around him what I have been just stating to you; but all in vain, they were in pursuit of the immortal fame of the very business we are engaged in at this moment, and they were resolved to hold their advantage—his voice was immediately drowned by the clamours of insult and brutality, he was baited on all sides like a bull, and left the coffee-house without the possibility of being heard either in explanation or defence. An indictment was immediately preferred against him, and from that moment the public ear has been grossly and wickedly abused upon the subject; his character shamefully calumniated, and his cause prejudged before the day of trial.

Gentlemen, I will detain you no longer; being satisfied to leave you as conscientious men, to judge the defendant as you yourselves would be judged; and if there be any amongst you, who can say to the rest, that he has no weak or inconsiderate moments, but that all his words and actions, even in the most thoughtless passages of his life, are fit for the inspection of God and man, he will be the fittest person to take the lead in a judgment of guilty, and the fittest foreman to deliver it with good grace and firmness to the court.

Lord Kenyon, in his charge, remarked, that though the times were perilous, that great dismay had scattered itself all over the country, one has learned from the resolutions, and from every individual one has conversed with, there are those who thought otherwise, and there might be some, perhaps, who might rejoice in the confusion of the country—some people perhaps might. It is not necessary for me to express my opinion upon the occasion; but, undoubtedly, if you think those words were spoken, in seasons when seditious words might be the forerunners of seditious acts, and that men's spirits were inflamed, and might from small beginnings take fire and be brought into action, it adds most immensely to the criminal construction you ought to put upon the words; but, gentlemen, it is not for us to penetrate with absolute certainty into the hearts of men, that is the business of the great Disposer of all things, and the judge of men; but we have an opportunity of judging from overt acts, whether guilt belongs to them or not. If any reason can be assigned why those

words were used, let the reason be assigned, and let a favourable construction be put upon what is assigned as the reason; but without any clue to lead us, without any thing but the words expressed in the terms which I have stated to you, we must from those premises draw our conclusion. I am sorry for the individual who is subject to criminal law, for no man rejoices in the punishment of another; but punishment is inflicted as an example to the sons of men, that they may err in that course to which they see conviction and punishment annexed.

The jury, not being agreed, retired from the court about twelve o'clock, to consider of their verdict, and returned into court about half-past one o'clock, and delivered in their verdict to the court, that the defendant was *Guilty*.

On Wednesday morning, June 19, 1793, Mr. Frost attended to receive the judgment of the court, when Mr. Justice Ashhurst pronounced it as follows:

The court have taken all the circumstances into their consideration, and, upon mature deliberation, the sentence of the court is—"That you be imprisoned in his majesty's gaol of Newgate for six calendar months, and that, during that time, you do stand in and upon the pillory, at Charing Cross, for the space of one hour, between the hours of twelve and two; and that after the expiration of your imprisonment, you do find sureties for your good behaviour for the space of five years, yourself in £500, and your two sureties in £100 each; and that you be further imprisoned until such sureties be found."

Lord Kenyon—And also struck off the roll as an attorney of this court."

WILLIAM HODGSON,

FOR LIBELLOUS EXPRESSIONS.

WILLIAM HODGSON was indicted for uttering certain seditious, inflammatory, scandalous, and libellous expressions, tending to scandalize his majesty, to stir up his subjects to rebellion, and to vilify his government.

Mr. Fielding, as counsel for the crown, followed Mr. Rajne, who opened the prosecution in an able and animated address to the court and jury. He stated that the attorney-general being employed in the service of the public in another place, it fell to his lot to conduct the present prosecution. He stated the words made use of by the defendant, and animadverted on them with great ability and impartiality, insisting that the offence of the prisoner, of all others which had come before a court, was the most proper for prosecution, when it was

considered that the defendant was not heated by liquor, which could alone be any extenuation of his offence; that the place was a public coffee-room, and the time, a period when this country is at war with the power to whom the defendant wishes success, and whose massacres and anarchy, that were the detestation of mankind, he wished to see repeated in this country. He concluded a very able speech, by expressing a wish that the defendant might have it in his power to acquit himself of so foul a charge, and by wishing that the jury would divest themselves of all prejudice, and give to all that might appear favourable to the defendant, its full weight, while they viewed the evidence of the prosecution with great caution.

Mr. John Buchannon was, he said, in the coffee-room of the London coffee-house, where, about seven o'clock in the evening, the defendant and Mr. Pigott came in, and sat down together in the next box to him, at which time there were a number of gentlemen then in the room. The defendant took up a newspaper, from which he read aloud the account of the defeat of the Dutch, when the defendant said, in a loud and sharp tone of voice, "I wish that the Duke of York and his army were either sent home, or to the devil." The defendant and Mr. Pigott then had some conversation together, in the course of which the defendant mentioned the king's name with great irreverence, and afterwards drank "the French republic, or constitution," but he could not say which; in which Pigott said he would join him. These toasts were all given in so loud a tone of voice, that every person in the coffee-room could hear him. The defendant had three glasses of punch. Upon hearing the last toast, all the gentlemen in the coffee-room rose up, and drank the king's health; immediately the defendant stood up, and, with his glass in his hand, gave "the French republic, and may it triumph over all the governments in Europe." The witness, on his cross-examination by the defendant, said, that he believed the defendant and Pigott were two hours in the coffee-room. The defendant did not address himself to any individual, but to the company at large; and when they drank the king's health, he said, "What are you all?" A Mr. Newman called the defendant a

rascal, and held his fist up to him in a threatening manner.

Mr. John Leach, who keeps the London coffee-house, in which the transaction took place, confirmed the testimony of the former witness, as to the seditious toast given by the defendant, and added, that he was frequently applied to by the gentlemen who were in the coffee-room, to turn the defendant and Mr. Pigott out of the house; that he did not attempt that, but sent for an officer, into whose custody he delivered him.

Mr. Thomas Griffiths Vaughan, and Mr. White Newman, also confirmed the testimony of the first witness.

The evidence on the part of the prosecution being closed, the prisoner, who conducted his own defence, addressed the court and jury, saying, that contrary to the custom which had existed for a long time past, and in his own opinion but too generally, of employing counsel, he had rejected such aid, and had determined on exercising one of the rights of nature, by defending himself, and by shunning the chicanery and intricacy of the law, which had become proverbial. He was brought to answer as a criminal at the bar of the court, for that which a century ago would have been deemed meritorious; namely, for exercising the Liberty of Speech—a liberty which had been purchased by the blood of our ancestors, and secured to us by the Bill of Rights. But of the mutability of human affairs there was a recent instance, in the conviction of a man for reprinting “the works of our present immaculate minister, and some of his coadjutors.” He agreed, he said, with the learned counsel who opened the prosecution, that the trial by jury was one of the dearest privileges of a Briton, and hoped that in the present case they would prove its utility, by guarding the liberty of an individual, and one of the dearest liberties of their countrymen—the Freedom of Speech. He said, he should chiefly rest his defence upon three heads: 1st, On the illegality of the original caption; 2d, On the right of free discussion; and 3d, On the intention with which the words were spoken. Upon the first head he insisted, that it was contrary to *Magna Charta*, and to the opinion of several of our most famous lawyers, that any person should be apprehended and put into cus-

tody, but under warrant, which was not the case, for he was put into custody by the keeper of the tavern, and immediately taken to the Poultry Compter. Mr. Leach was the *Lettre de Cachet*, and the dungeon of the Poultry Compter was the Bastile. In support of his argument, he cited the works of several commentators on the laws of his country. The right of free discussion, he insisted, was the inherent birthright of an Englishman, purchased by the blood of our forefathers, and secured to us by King William, in the Bill of Rights; and that, was it endured, that a tavern-keeper, or a man like Mr. Newman, "whose conduct was as hot as Cayenne pepper, and whose wrath was as sharp as vinegar," should interpret men's words or actions, and dub them criminal at their will; even the gentlemen of the jury would not be safe, but would be liable to be hauled away to a prison, from a coffee-house in which they were drinking their wine, by some Janus of a tavern-keeper; who, like Mr. Leach, while he pocketed their money, would betray them: as to the intention with which the words were spoken, he could not, as he had no witness to call, attempt to deny some of the expressions that had been stated, but endeavoured to impress the jury with a notion that there had been a material contradiction as to the words made use of by him, and which materially altered their sense. He also endeavoured to convince the jury, that the expressions were drawn from him by the rude behaviour he experienced from the company; but particularly from Mr. Newman, who, he said, wanted by threats and violence, to oblige him to drink the king's health. He concluded his defence, which took up two hours, by exhorting the jury to guard over the liberties of their countrymen; and not, by convicting them for exercising the freedom of speech, to sign the death-warrant of their liberties.

The Recorder summed up the evidence in a very fair and impartial manner; when, after retiring for about a quarter of an hour, the jury returned a verdict—*Guilty*.

Mr. Hodgson received sentence:—To be imprisoned in Newgate for two years, to pay a fine of £200, and to give security for his good behaviour for two years more, himself in £200 and two sureties in £100 each

TRIAL OF LOUIS XVI. KING OF FRANCE, IN THE FRENCH CONVENTION, 1793.

In political contests, men are the victims of circumstances, and suffer alike from the fears and the passions of their adversaries. The seats of government become a sort of field of battle, where the worst is apprehended, and kill or be killed is the cry of the parties. This observation applies to numbers of the melancholy cases already recorded in these volumes, but to none more than to the judicial murders of the French revolution. The ancient government had been overthrown, and the recovery of its power subjected the patriots to proscription and death—the powers of Europe conspired in favour of the old government, and surrounded France with armies—their critical situation, therefore, goaded the republican party to madness, and he was deemed for the time the best citizen who was most violent, he a suspicious person who was lukewarm, and he a traitor who openly doubted the measures of the most forward. In this condition of France, thousands fell victims, and among others, the royal family and the most moderate of the patriots. As a specimen of the judicial state of France, we shall introduce the trials of the king and queen, and the more summary process against the Brissotine party, and the Duke of Orleans. These last bore the semblance of judicial proceeding, but in the case of the Robespierres and some others, no forms are recorded.

The commissary on duty at the Temple, made a report to the council general of the commons of every action and circumstance of the behaviour of the king, during the whole of Monday, December 10, 1793, of which we here transcribe the most interesting particulars, as related by the commissary.

The king rose at seven o'clock; though his beard was very long, yet he took but little time to dress himself. He said prayers for about three quarters of an hour. At eight o'clock, the noise of the drum made him very uneasy, and he asked me—

King—Pray what is this drum for? I am not used to hear it so early, I do not hear it so early in common.

Commissary—I cannot tell.

King—Do you think they beat the *generale*?

Commissary—I am sure I don't know.—(*Here he walked for a moment about the room and listened attentively.*)

King—Methinks I hear the neighing of horses in the court-yard.

Commissary—I don't know what it is.—(*Here breakfast was served in the family way; agitation seemed depicted in every face; the noise and beating of drums increased.*—Louis, instead of giving his son a lesson of geography, as usual, played with him one game at *siam*—the child, who could go no further than the point of 16, exclaimed, No. 16 is a very unlucky number.

King—I know it is before to day. (*The noise increased.*)

Commissary—Sir, I have to inform you, that the mayor will visit you presently.

King—Ah! so much the better.

Commissary—But I tell you beforehand, that he will not speak to you in the presence of your son.

Louis—(*Beckoning his son to approach*)—Embrace me, my dear boy, and embrace your mother for me. (*Here young Louis was ordered to be taken out of the room.*)

Louis—Is the mayor a tall, short, lusty, young, or old man?

Commissary—I am but imperfectly acquainted with him; but I believe he is a middling-sized and aged man, made in proportion, and lean.

Louis, having walked about for a quarter of an hour, sat down in his elbow chair, and asked what the mayor had to tell him. I told him I did not know, but he would soon inform him. He rose, and again walked about much agitated; nay so distracted, so lost in thought was he, that I approached him quite close from behind; at last he made a sudden spring round.

King—(*with timid surprise*)—What do you want, sir?

Commissary—I sir? I want nothing; I only thought you was indisposed and came to see if you stood in need of any thing.

King—No, sir, I don't.

The king sat down again, and the mayor spoke to him with animation and dignity. The decree, that Louis Capet be conducted to the bar of the convention, was read to him.

King—(*hearing the words Louis Capet*)—My name is not *Capet*, though my ancestors long bore it. You have deprived me of my son an hour too soon.

The king went down stairs by request of the mayor, and at the bottom of the anti-chamber, his uneasiness seemed to increase, at the sight of the horses and armed men. Having arrived in the court-yard, he cast his eyes on the tower, which he had left, and I perceived his eyes were wet with tears.

We afterwards went to the ladies, who seemed to be in the most shocking state of terror and alarm; I told Maria Antoinette that the mayor had been with her husband. Young Louis had told her it before.

When Louis had returned, and I was left alone with him, he said to me, Do you think they can refuse me counsel?

Commissary—If the convention grant you one, you will have one; but I cannot prejudge things.

Louis—I am going to consult the constitution. (*Louis went and searched the book*). Yes, the law grants me counsel. But do you think I may have intercourse with my family?

Commissary—Sir, this I cannot tell neither; but I will consult the council.

Louis—Pray order me my dinner, for I am hungry. I have been fasting almost ever since morning.

Commissary—I will first go to gratify the wish of your heart, by consulting the council; then I will order dinner. (*I returned a moment after*). Sir, I have to inform you, that you are to have no intercourse with your family.

Louis—But is not that very hard? What! not with my son! a boy, only seven years old?

Commissary—Such are the orders of the council.

Supper was then served up; Louis ate six chops, some eggs, a piece of fowl, drank one glass of Alicant wine, and went to bed immediately after.

On Tuesday, the 11th, at three o'clock, Louis XVI. preceded and followed by large bodies of horse and foot, under the command of Gen. Santerre, and surrounded by thirty municipal officers, arrived at the bar of the national convention.

M. Barbaroux, in the name of the committee of twenty-one, brought up the articles of impeachment, which were read.

The President, Barrere—I inform the assembly, that Louis is at the gate of the Feuillans. Representatives, you are about to exercise the right of national justice; you must answer to all the citizens of the republic for the firm and wise conduct which you will pursue on this occasion. Europe observes you. History records your thoughts—your actions. An impartial posterity will decide upon your conduct with an inflexible severity. Let your attitude be conformable to the new functions you are about to fulfil. Patience and the profoundest silence are suited to the character of judges. The dignity of your sitting ought to answer to the majesty of the French people. It is about to give, through your organs, a great lesson to kings, and an example useful to the world.

Louis approached the bar. The mayor, two municipal officers, and the Generals Santerre and Wittenkoff entered with him.

The President—Louis, the French nation accuses you. The national convention decreed on the 3d of December, that you should be tried by it. On the 6th of December it was decreed that you should be brought to the bar. The information declaratory of the crimes imputed to you, is about to be read. You may sit.

The President stated, that the French nation accused him of having, on the 20th of June, 1789, attacked the sovereignty of the people, by suspending the assembly of its representatives, and driving them by violence from the place of their sitting.

Louis—There existed no laws which hindered me from so doing.

President—You have caused an army to march against the citizens of Paris. Your Janissaries shed the blood of many of them; and you did not remove that army, till the taking of the Bastille, and the general insurrection, taught you the people would be victorious.

Louis—I had then the power of marching my troops where I pleased; but I had no design of shedding blood.

President—After these events, and in spite of your promises on

the 15th, in the constituent assembly, and on the 17th, in the town hall of Paris, you persisted in your plans against the national liberty. You, for a long time, eluded the execution of the decrees of the 11th of August, relative to the abolition of personal servitude, feudal regulations, and tithes. You, for a long time, refused to acknowledge the declaration of the rights of man; you doubled the number of your body-guard, and called the regiment of Flanders to Versailles; you allowed, in the orgies celebrated in your sight, the national cockade to be trampled under foot, the white cockade to be worn, and the nation to be blasphemed. Finally, you brought on the necessity of a new revolution; occasioned the death of many citizens; and it was not till after the defeat of your guards, that you changed your language, and renewed your perfidious promises.

Louis---I made what I conceived to be just observations on the two first objects. As to the cockade, that is false---no such thing happened in my presence.

President---You took, at the Federation of the 14th, an oath which you have not kept. Soon after, you endeavoured to corrupt the public mind by the help of Talon, who acted in Paris, and of Mirabeau, who was to print a memorial against the revolution, to be dispersed throughout the provinces.

Louis---I do not recollect what happened at that time; but the whole is previous to my acceptance of the constitution.

President---You have spent millions to effectuate this corruption, and you was desirous of making even your popularity a means of enslaving the people.

Louis---I never had a greater pleasure than that of giving to those who had need; this can have no relation to any plot.

President---On the 28th, a multitude of the noblesse and the military spread themselves in your apartments in the palace of the Thuilleries, to favour a flight you had long meditated. You wished, on the 18th of April, to quit Paris for St. Cloud.

Louis---That accusation is absurd.

President---But the resistance of the citizens made you feel that their distrust was great; you sought to dissipate it by communicating to the constituent assembly a letter, which you addressed to the agents of the nation to foreign powers, to announce to them that you had freely accepted the constitutional articles which had been presented to you; and yet, on the 21st, you fled with a false passport; you left a declaration against the same constitutional articles; you ordered the ministers not to sign any of the resolutions proceeding from the assembly, and you forbade the minister of justice to put the seals of state upon it. The money of the people was wasted, to ensure the success of that treason; and the public force under the orders of Bouille—who had formerly been entrusted with the conduct of the massacre at Nancy, and to whom you wrote to take care of his popularity, as it might be useful to you—was to protect it. These facts are proved by the memorial of the 23d February, under your hand; your declaration of the 20th of June, all of your own writing; your letter of the 4th September 1790, to Benille; and by a note

of his, in which he gives you an account of the expenditure of 993,000 livres given by you, and partly employed in corrupting the troops which were to escort you.

Louis—I have no knowledge of the memorial of the 23d. of February. As to what relates to my journey to Varennes, I refer to what I said to the commissioners of the constituent assembly at that time.

President—After you was stopped at Varennes, the exercise of the executive power was for a moment suspended in your hands, and you conspired again. On the 17th of July, the blood of the citizens was shed in the Champ de Mars. A letter under your hand, written in 1790, to La Fayette, proves that a criminal correspondence existed between you and La Fayette, to which Mirabeau had acceded. Division began under these cruel auspices, and every kind of corruption was employed. You paid libels, pamphlets, and journals, designed to pervert the public opinion, to discredit the assignats, and to support the cause of the emigrants. The registers of Septeuil shew what enormous sums have been employed in these freedom-destroying manœuvres. What have you to answer?

Louis—What passed on the 17th of July, could in no respect affect me: of the rest I have no knowledge.

President—You appeared to accept the constitution of the 14th of September; your discourses announced the desire of maintaining it; and you laboured to overthrow it before it was completed.

A convention had been held at Pilnitz, on the 24th of July, between Leopold of Austria and Frederick William of Brandenburg, who engaged to raise up in France the throne of absolute monarchy; and you was silent on that convention till it was known through all Europe.

Louis—I communicated it as soon as it came to my knowledge: as for the rest, every thing which relates to this object, by the constitution, regards the minister.

President—Arles had raised the standard of revolt; you favoured it, by sending three civic commissioners, who were occupied, not in repressing counter-revolutions, but in justifying their attempts.

Louis—The instructions which the commissioners had, must prove what they were entrusted with; and I knew none of them when the ministers proposed them to me.

President—Avignon and Comtat-Venaissin had been re-united to France; you did not execute the decree till a month after; and during that time a civil war desolated the country. The commissioners, whom you successively sent, completed its devastation.

Louis—I do not recollect what delay was put to the execution; this fact cannot regard me personally; they who were sent, and those who sent them, are alone to be regarded.

President—Nismes, Montauban, Meude, Jalis, had suffered great agitations during the first days of liberty; you did nothing to check these seeds of a counter-revolution, till the moment when the conspiracy of Salliant broke out.

Louis—I gave every order on that subject which the minister proposed to me.

President—You sent twenty-two battalions against the Marsellois, who marched against the counter-revolutionists of Arles.

Louis—I must have the papers to give a proper answer to this.

President—You gave the command of the south to Witgenstein, who wrote to you, on the 21st of April, after he had been recalled. "Some moments more, and I will recall for ever round the throne of your majesty millions of Frenchmen, become once more worthy of the wishes which you form for their happiness."

Louis—This letter is posterior to his recall. He has not been employed since. I do not remember the letter.

President—You have paid your former body-guard at Coblentz; the registers of Septuill bear testimony to it; and many orders signed by you, shew that you transmitted considerable sums to Bouille, Rochefort, La Vauguyon, Choiseul, Beaupré, Hamilton, and the woman Polignac.

Louis—At first, when I heard that my body-guard had formed on the other side of the Rhine, I forbade them to touch any pay. I remember nothing of the rest.

President—Your brothers, enemies of the state, rallied the emigrants round their colours; they raised regiments, made loans, and contracted alliances in your name; you did not disavow them, till the moment when you was sure you could not hurt their projects. What have you to say?

Louis—I disowned all the proceedings of my brothers, according to the injunctions of the constitution, and as soon as I had any knowledge of them. I have no knowledge whatever of this note.

President—The army of regulars, which was to be put on the war footing, was only 100,000 strong at the end of December; you had therefore neglected to provide for the external safety of the state. Narbonne required a levy of 50,000 men; but he stopped the recruiting at 26,000, assuring that all was ready, yet nothing was got ready in fact. After him, Servan proposed to raise a camp of 20,000 men; the legislative assembly decreed it: you refused your sanction. What have you to answer to this?

Louis—I had given the minister all the orders for accelerating the augmentation of the army during the month of December last; the lists have been laid before the assembly. If they deceived themselves, the fault is not mine.

President—A flight of patriotism made the citizens leave Paris from all quarters; you issued a proclamation to stop their march, yet our armies wanted men. Dumourier, the successor of Servan, declared that the nation had neither arms, ammunition, nor supplies, and that the posts were left defenceless. You expected to be urgently solicited by an address presented to the minister Lajard, to whom the assembly pointed out how to provide for the safety of the state. You had commissioned the commanders of the troops to disband the army, to drive whole regiments to desertion, to make them pass the Rhine to join your brothers and Leopold of Austria, with whom you kept up correspondence. The fact is proved by Toulangeon's letter.

Louis—I know nothing of it; there is not a word of truth in this charge

President—You have charged your diplomatic agents to favor the coalition of foreign powers, and your brothers, against France; and, especially, to cement the peace between Turkey and Austria, to prevent the latter from leaving troops on the frontiers, that it might send a great number of men against France. A letter from Choiseul Gouffier, ambassador at Constantinople, proves the fact.

Louis—M. Choiseul has not spoken the truth, there never was such a thing.

President—The Prussians advanced towards our frontiers. Your ministry was summoned on the 8th of July, to give us an account of our political relations with Prussia; you answered on the 10th, that 50,000 Prussians were marching against us: and that you gave information of hostilities being actually committed, agreeable to the constitution.

Louis—It was only at this epoch that I first knew of it: all the correspondence passed with the ministers.

President—You have entrusted the war department to Debancourt, the nephew of Calonne; and so great was the success of your conspiracy, that the posts of Longwi and Verdun were delivered up as soon as the enemy appeared.

Louis—I did not know that Dabancourt was Calonne's nephew; I did not divest the posts; I could not have permitted myself to do such a thing; if it has happened, I know nothing of it.

President—You have destroyed our navy; a vast number of officers of this body emigrated; scarcely sufficient was left to do port-duty; yet Bertrand was granting passports every day; and when the legislative body represented to you his culpable conduct, on the 8th of March, you answered, that you was satisfied with his services.

Louis—I did every thing in my power to restrain the officers. With respect to M. Bertrand, as no complaint sufficient to place him in a state of accusation had been urged against him by the national assembly, I did not think it expedient to dismiss him.

President—In the colonies you have favoured the maintenance of an absolute government; and your agents have every where fomented in these colonies the disturbances and plots of counter-revolution, which were to have operated there at the same time when a counter-revolution was to have been brought about in France; all this is a sufficient proof, that the meditated plot was conducted with your hand.

Louis—It is not true that I had any agents in the colonies; I have had no share whatever in what you have now stated.

President—The interior parts of the state were agitated by fanatics, the protector of whom you have declared yourself, by evidently manifesting your intention to recover through them your ancient power.

Louis—I can only reply to this, that I have no knowledge of any such project.

President—On the 26th of January, the legislative body made

a decree against the factious priests, the execution of which you have suspended.

Louis—The constitution gave to me the free sanction of decrees.

President—The fermentations being augmented, the minister declared, that he knew of no means provided by the existing laws to apprehend the guilty. The legislative body formed a new decree, the execution of which you also suspended.

Louis—The same reply.

President—The want of patriotism of the guard which the constitution had given to you, made it necessary to disband it. On the day after their misconduct, however, you expressed to them your satisfaction by letter, and retained them in your pay. This fact is proved by the accounts of the treasurer of the civil list.

Louis—I continued to do so only until I could, agreeably to the decree, form a new establishment of guards.

President—You retained about your person your Swiss guards—the constitution forbade you to do so, and the legislative assembly expressly ordered their departure.

Louis—I have executed all the decrees which were formed in that respect.

President—In Paris you have maintained particular companies, charged to bring about movements useful to your counter-revolutionary projects—Daigremont and Gilles were two of your agents, and were paid out of the civil list. The acquittances of Gilles, charged with the organization of a company of sixty men, will be presented to you.

Louis—I have no knowledge of the projects attributed to these men: never did an idea of counter-revolution enter my head.

President—By considerable sums, you have endeavoured to suborn several members of the constituent and legislative assemblies. The letters of St. Leon, and others, establish this fact.

Louis—Several persons presented themselves to me with similar plans, from which I obliged them to desist.

President—Who are those, by whom these plans were presented to you?

Louis—The plans themselves were so vague, that I do not at this time recollect.

President—Who are those, to whom you have either promised or given money?

Louis—No one.

President—You have allowed the French name to be reviled in Germany, in Italy, and in Spain, since you have taken no one step to require a reparation for the injurious treatment the French experienced in these countries.

Louis—The diplomatic correspondence will prove the contrary; in other respects this was a concern of the minister.

President—You reviewed the Swiss on the 10th of August, at five o'clock in the morning; and the Swiss were the first who fired upon the citizens.

Louis—I went to view all the troops that were assembled near me on that day; I had the constituent authorities with me, the department, the mayor, and the municipality; I had even requested

a deputation of the national assembly to repair thither; and I afterwards went in the midst of them with my family.

President—Why did you order those troops to come to the castle?

Louis—All the constituent authorities had seen that the castle was threatened; and as I had a constituent authority, I had a right to defend myself.

President—Why did you send for the mayor of Paris to the palace, in the night of the 9th of August?

Louis—On the reports which were spread abroad.

President—You have caused the blood of Frenchmen to be shed.

Louis—No, Sir; it was not I.

President—You have authorised Septeuil to make a considerable commerce of grain, sugar, and coffee, at Hamburg. This fact is proved by a letter of Septeuil.

Louis—I have no knowledge of what you say.

President—Why have you put your veto on the decree which ordered the formation of a camp of 20,000 men?

Louis—The constitution gave me the free sanction of decrees; and even in that period, I demanded the re-union of a camp at Soissons.

He was afterwards called upon to acknowledge the papers specified in the accusation, to wit, the different memorials of Laporte, Talon, and his letter to the Bishop of Clermont. He disavowed them all, excepting some orders for payment for his old military establishment, dated 1791.

At his request, and after a very long debate, he had counsel granted, and his papers were also delivered to him. He was reconducted to the Temple about five o'clock.

He listened to the charges against him with great composure and attention, and replied to the various questions put by the president, with a degree of ease, facility, and firmness, that astonished every body. His examination lasted for two hours, during which the members of the convention and the galleries observed the most profound silence.

On the motion of M. Perion, he was permitted to choose M. M. Target and Tronchet as his counsel.

On Wednesday, Dec. 12, four members of the convention waited on the king, with the decree authorising him to appoint counsel. The king informed them that he was deprived of pens, ink, and paper, by the municipality. The convention ordered them to be restored, and that his counsel have free communication with him.

On Friday, Thuriot, one of the commissioners sent to the Temple, read the journal which they had drawn up. "We, the commissioners of the convention went to the Temple, in execution of its decree; and being introduced into the chamber of Louis Capet, we read to him, 1. The decree of the convention, which expressed the object of our mission:—2. The letter of Target, declining to be his counsel:—3. The letters of Malesherbes, Huet, and Guillaume, who offered to be his defenders. Louis answered us, that he was impressed with a due sense of the offers of those citizens who requested to serve him as counsel. "I accept Malesherbes," said he, "for my counsel. If Tronchet cannot give me his service, I will consult with Malesherbes to choose another." Thuriot added, that the commissioners had presented the *proces verbal* to Lamoignon Malesherbes. He said, that in conformity to the offers he had made, he would submit to the choice of Louis Capet.

On Saturday, the counsel Tronchet and Lamoignon Malesherbes, having represented to the national convention, that they had attended Louis, but found none of the papers decreed to be communicated; the committee of twenty-one were ordered to deliver those papers, and to carry with them the originals, that the correctness of the copies might be examined and acknowledged.

Commissioners were ordered to carry to Louis XVIth, to make him acknowledge them, the originals of the papers which were not presented to him on his last appearance. It was decreed he should be heard the 26th of December, and should be permitted to see his family till that time.

Dubois du Crance, in quality of commissioner stationed at the Temple, expressed to the convention the wish of the *ci-devant* monarch to see his children. On this occasion it was suggested by a member, that the queen and Madame Elizabeth might avail themselves of this opportunity to communicate with Louis. It was therefore decreed, "That Louis should hold no communication whatever, unless with his children; and that the latter should not see their mother or aunt till after the last interrogatory!"

The convention decreed, That all the members of the

family of Bourbon Capet, who should be found in France excepting such as are detained in the Temple, and respecting the lot of whom the convention is to pronounce, should, within twenty-four hours, quit the department of Paris, and within ten days the territory of the republic, as well as the territory occupied by its arms.

On Wednesday, Dec. 26, Louis entered upon his defence. The sitting was opened at nine o'clock; and the galleries were crowded with people, who had sat in them all night.

Louis left the Temple at nine; and the national guard not being assembled time enough to line the streets through which he was to pass, or to form a body round his person, he was escorted by a small party of cavalry. The people, not expecting that he would set out so early, were not assembled in the streets, and he arrived as it were *incognito*.

Before he came to the bar, a member observed, that, in denying all knowledge of the key of the iron door which concealed the papers produced by Roland, he had probably denied the truth, as the key opened several of the cabinets in his apartments. He therefore proposed, that this key should be again presented to him, which was ordered.

At ten Louis appeared at the bar, with the same firm and collected air as on his examination. He was attended by his three counsel, the mayor of Paris, Generals Santerre and Berruyer, and some municipal officers.

The President said, "the national convention has decreed that you shall be heard this day, to present your means of defence. Be seated."

Louis replied, "my counsel is going to speak for me," pointed to M. Deseze, and sat down. M. Deseze then rose and delivered the following speech:

Representatives of the nation!

That moment is at length arrived, when Louis, accused in the name of the French people, appears, surrounded by his own council, in order to exhibit his conduct to the eyes of mankind. A celebrated republican hath said, that the calamities of kings always inspire the minds of those men with sympathy and tenderness, who have lived under a monarchical form of government. If this maxim be true, who can invoke it with more justice than Louis, whose misfortunes are unbounded, and whose losses and calamities cannot be calculated? You have called him to your bar, and he appears before you with calmness and with dignity, fortified in the consciousness of his own innocence, and in the goodness of his intentions.—These are testimonies which must console, these are testimonies of which it is impossible to bereave him. He can only declare to you his innocence; I appear here in order to demonstrate it; and I shall adduce the proofs before that very people in whose name he is now accused.

The present silence demonstrates to me, that the day of justice has at length succeeded to the days of prejudice. The misfortunes of kings have something in them infinitely more affecting than those of private men; and he who formerly occupied the most brilliant throne in the universe, ought to excite a still more powerful interest in his behalf.

I wish that I now spoke before the whole nation; but it will be sufficient to address myself to its representatives. Louis well knows, that the eyes of all Europe are fixed upon this prosecution; but his mind is entirely occupied with France. He is sure that posterity will carefully collect and examine the charges and the proofs adduced against him; but he thinks only of his contemporaries; and it is the first wish of his heart to undeceive them. If I were only addressing myself at this moment to his judges, I should say—royalty is abolished, and you cannot now pronounce any other sentence against him; but I am speaking to the people. I shall therefore examine the situation of Louis previous to the abolition of royalty, and the situation of Louis at its abolition.

Nations are sovereigns; they are at liberty to assume any species of government that appears most agreeable to themselves; after having recognized and discovered the badness of their ancient form, they may enact for themselves a new one; this is a position which one of the council of Louis procured the insertion of in the constitutional code. But the whole nation cannot exercise the sovereignty; it is necessary, therefore, that it should delegate the exercise of it.

In 1789, the people of France demanded a monarchical form of government; now a monarchical government requires the inviolability of the chief, and this inviolability was established, not in behalf of the king, but of the nation.

Much has been said on this subject. Some have pretended that it is not a *synallagmatic* contract, but a delegation. It is, however, a contract until it is revoked; but let it be called a *mandate* if you please; let it be recollected however, that the *mandatory* is not obliged to submit to any other conditions, or any other penalties, than those expressed in the letter of the compact. I open the book of the constitution, and in the second chapter, which has by way of title "royalty," I there find that the king is inviolable; there is not any exception in, nor any modification of, this article; but certain circumstances may occur, when the first public functionary may cease to enjoy this character of inviolability; the following is the first instance.

Art. V. "If the king shall not take the oath, or, after having taken it, he retracts, he shall be considered as having abdicated the royalty."

The nation here hath foreseen a crime, and enacted a forfeiture; but there is not a single word to be found concerning either trial or judgment. However, as without retracting an oath, a king might betray and favour criminal and hostile principles against the state, the nation hath been aware of this, and the constitution hath provided against it.

Art. VI. "If the king places himself at the head of an army, and directs the forces against the nation; or if he doth not oppose himself, by a formal act, to any enterprise of this kind made in his name, he shall be considered as having abdicated the royalty."

I beseech you to reflect on the heinous nature of this offence; there cannot be a more criminal one. It supposes all the machinations, all the perfidies, all the treasons, all the horrors, all the calamities of bloody civil war; and yet what does the constitution pronounce? The presumption of having abdicated the royalty!

Art. VII. "If the king, having left the kingdom, shall not return immediately after an invitation made to him by the legislative body, then, &c."

What does the constitution pronounce upon this occasion? The presumption of having abdicated the royalty.

Art. VIII. says, "that after an abdication, either express or implied, the king shall then be tried in the same manner as all other citizens, for such crimes as he may commit after his abdication."

Louis is accused of sundry offences. He is accused in the name of the nation. Now either these offences have been foreseen by the constitutional act, and then the correspondent punishment is to be applied to them, or they have not; and if so, it follows that no punishment can follow from their commission. But I say, that the most atrocious of all possible offences hath been foreseen—that of a cruel war against the nation; and this surely includes all inferior crimes, and consequently points out the extent of all constitutional punishment.

I know, that royalty being now abolished, deprivation cannot at present be applied.—But has not Louis a right to exclaim, "What! will you, because you have abolished royalty, inflict a punishment on me, not mentioned in the constitutional code? Because no existing law can punish me, will you create one expressly on purpose? You possess every degree of power, it is true; but there is one species which you dare not execute, that of being unjust."

It has been said, that Louis ought to be condemned as an enemy; but is he a greater enemy than if he had put himself at the head of an army in order to act against the nation? And you all know that in such a case, he could not have incurred more than a forfeiture of the crown! But if you take away from Louis the prerogative of being inviolable as a king, you cannot deprive him of the right of being tried as a citizen. And I here demand of you, where are those propitiatory forms of justice? Where are those juries, which are so many hostages, as it were, for the lives and honour of citizens? Where is that proportion of suffrages which the law has so wisely required? Where is that silent scrutiny, which in the same urn incloses the opinion and the conscience of the judge?

I now speak with the frankness becoming a freeman; it is in vain that I look around, and search among you for judges—I can

see none but accusers.—You wish to pronounce upon the fate of Louis, and yet you have accused him! Will you decide his doom after having already expressed your opinion on his conduct?

I take up the charges exhibited by you, and I find that Louis is accused of having surrounded the constituent assembly with an armed force on the 20th of June 1789. Do not you recollect, Frenchmen, that it was he who convoked this assembly; and that but for himself, you would not be deliberating at this very moment on his fate? You have reproached him with the troubles that took place in the month of July in the same year; but his only object was to protect Paris against the factious; and you all recollect, that on the 4th of August the purity of his intentions was fully recognized, as on that day he was solemnly proclaimed the restorer of French liberty, and a medal was ordered to be struck in memory of that happy event! He is next accused of ordering the regiment of Flanders to march to Versailles; but at that epoch he was empowered to do so by the constitution.

In regard to the marginal notes to the pretended plan of corruption imputed to Louis, I shall only observe, that his severe probity, his unimpeached morality, and his scrupulous virtue, entirely obliterate every idea of suspicion.

The sinister events during the month of July, 1791, are also imputed to him; but are we to forget, that at this epoch he was a prisoner of the nation, shut up in the *Thuilleries*, and cut off from every species of communication whatever?

Thus, I have repelled all the accusations contained in the enunciative act; and yet I have not made the only essential remark that is necessary on the present occasion; that is, that the acceptance of the constitution hath effaced every former stain—for the compact formed between the French nation and its first mandatory, supposes an entire confidence and oblivion of all injuries whatever.

Louis is accused also of being dilatory in his communications relative to the convention of *Pilnitz*; but is it not admitted, on all hands, that this convention acted so secretly, that nothing has ever transpired concerning it?

As to the neglect of transmitting the decree relative to the reunion of *Avignon* to France, this cannot be imputed to Louis, for it makes one of the articles of the charge against the late minister, *M. Delessart*.

In respect to the remaining articles, he replied as follows:—

1. As to the charge of paying the body guard after their dismissal, he placed this solely to the account of humanity, and not treason, as had been insinuated by his enemies.

2. As to the letter to *Bouille*, in consequence of which it had been asserted, that Louis XVI. had transmitted money to the emigrants, *M. Deseze* endeavoured to make it appear by the context, that the sum in question was entrusted to *M. Bouille* before the least suspicion was entertained of that general's principles. And

3. In reply to the imputation of guilt on the 10th of August, 1792, he endeavoured to demonstrate, that on that day, Louis had

not entered into any conspiracy against, nor given any order to fire on the people.

After Deseze had concluded, Fermont, the new president, asked Louis, if he had any thing to add to the defence made by his counsel.

Louis rose, and with mixed sensibility and firmness, said,

“Citizens, my means of defence are laid before you, I shall not repeat them. In speaking to you, perhaps for the last time, I declare to you that my conscience makes me no reproach, and that my defenders have told you nothing but the truth. I have never dreaded the public examination of my conduct; but my heart is rent to find in the act of accusation, the imputation of having wished to shed the blood of the people; and above all, that the misfortunes of the 10th of August are attributed to me. I own, that the many proofs I have given upon all occasions of my love for the people, and the manner in which I have always conducted myself, appeared to me sufficient to prove, that I did not fear to expose my own person to spare their blood, and to exempt me for ever from such an imputation.”

The president then presented him a note, and begged to be informed whether he knew the hand-writing.

Louis—No.

President—Do you recollect these five keys?

Louis—I cannot say I do. I recollect some placed at the Feuillans, but I cannot say that these are the same.

President—Have you any more to say in your defence?

Louis—No.

President—Sir, you are at liberty to retire.

Louis, attended by his counsel, retired.

The assembly remained silent for some time.

Manuel—Citizens, I request that the defence of Louis, as well as his accusation, may lie on the table, and that every part of his defence may be printed and distributed within twenty-four hours amongst the members of the assembly; that it be sent to all the departments; that this momentous concern be adjourned for three days; and that, in the mean time, we take the affair of the nation into consideration.

Duhem—When this trial is over, I shall demand peremptorily that the question be put, whether Louis



LOUIS XVI.





is to suffer death or not?—(*Applause from the galleries.*)

Bazire—I move that Louis be judged before he quits us.

The convention determined that his defence should lie upon the table.

Chade objected to erasures in the manuscript of Louis's defence; several members desired this business to be explained, and insisted that no seal should be affixed to any unauthenticated paper. (*Here the galleries became exceedingly tumultuous, and called out for the guards.*) It was at length decreed, that the defence should be sealed in the presence of the council and two secretaries.

A member—If you do not mean to violate eternal justice, agree to an adjournment. I repeat, that those who make the law cannot superintend its execution, nor give judgment on any man without the most palpable exercise of tyranny. (*Loud murmurs.*) I carry with me here severe truths, and therefore deserve your murmurs.

Le Cointre (of Versailles) moved an adjournment of three days.

Duhem called out for immediate adjudication.

Kersaint—We are judges, and not executioners.

Saint Just—It certainly becomes us to make some answer to the defence of Louis, and therefore I move an adjournment of the discussion.

Bourdon and Duhem insisted that an adjournment was no part of the order of the day; that they were come there to *decide*, and that they would *mark* any man who was of a contrary opinion.

The president put the question of adjournment, upon which a terrible uproar took place. The people descended from the galleries, approached the table with much rage, and threatened the president. They put themselves into a thousand menacing postures, amidst the acclamations of the galleries, who cried, "To the Abbaye! To the Abbaye!" In the body of the hall they were cool—President Fermond was firm. It was observed that sixty were drawing up a protest against the adjournment, upon which the president referred to the articles of the convention which related to the subject, and order was restored in a few minutes.

The President—I demand of the members of the assembly, to hear me as tranquilly as I was calm during a scene which afflicts me. (*Fresh tumults on the back seats.*)

Couthon—When the people delegated you, they created you a tribunal *ad hoc* to try Louis Capet. When the legislative assembly, the 10th of August, found Louis Capet guilty, they were aware that no constituted authority could try him, and appealed to the people: the people answered by electing you. They therefore created you a tribunal *ad hoc*. Now, what have you to do? You have to examine the list of the crimes of Louis Capet—to hear his defence. You have done it—it now remains for you to pass sentence. They tell you of forms: it is precisely because you represent the people that there is no occasion for them. It is possible that some members may want conviction; let the discussion be opened then, and quitting every other business, let us unceasingly undertake that of Louis, till definite judgment be pronounced.—Decreed unanimously.

Some amendments to the proposition of Couthon produced very violent commotions in the hall.

Petion, Marat, and Legendre, presented themselves to speak. An uproar of invectives, and personalities, interrupted each in his turn, till Petion obtained the hearing by a decree.

Petion—Is it thus, citizens, that we treat the great interests of the state? (*Interruption.*) It is not with this violence, or with such passions, that we can judge men or things. It is impossible to get into this tribunal without standing the mark for the most atrocious calumnies. They call out “The enemy, the royalist!” if we are not of their party; and others speak of liberty. Can we give it to others if we are slaves ourselves? Who among you is there that wishes a king. (*All the assembly rose, crying, “No one, no one.”*)

After a speech of some length, tending to invite the assembly to a further examination of this important subject,

The convention decreed that the further discussion of the proceedings against Louis XVI. was open, and should be continued till judgment was pronounced upon him.

The convention broke up at half-past four.

Louis XVI. was in an undress; there was an appearance of carelessness about his hair and his beard, neither of which seemed to have been lately attended to; but his countenance was unappalled, and his deportment manly. He presented M. Deseze, his new counsel, to the president; and then, upon receiving permission from M. Fermond, whose turn it was to officiate in that capacity, he sat down in a chair at the bar, with M. Tronchet on one side, and M. Malesherbes on the other.

Thursday, Friday, and Saturday, were occupied in hearing the members deliver their opinions on the fate of the king. The debates were tumultuous, and the galleries very intrusive—often hissing or approving, as the speakers pleased them. The members were divided in their opinion, and were split into upwards of twelve parties, one of which were for referring the judgment of Louis to the people in their primary assemblies; but the majority seemed to disapprove of the sentence of *death* being passed on the king; some giving for reason the certainty of a war with all Europe, in consequence of that event—others, the injustice of the deed, according to the constitution of 1789, under which Louis acted: they therefore proposed *banishment* of himself and family, as the alternative—keeping them, however, prisoners until the end of the war.

After a discussion which continued till half-past nine o'clock, during which the debates were carried on with great violence, the convention decreed, that they should to-morrow proceed to determine the three following questions by the *appel nominal*:

I. Is Louis guilty?

II. Shall there be an appeal to the people?

III. What punishment has Louis incurred?

On Thursday, January 17, the convention proceeded to the first vote in the question: "Is Louis guilty of a conspiracy against liberty, and of attempts against the general safety?"

Several members expressed themselves in the affirmative, upon grounds which had been assigned; others modified their opinion; the greater number observed, that they pronounced as legislators, and not as judges.

But there was not one voice which absolutely acquitted the accused of the charges against him.

After the votes were taken, the president announced that twenty-six members had leave of absence; that five were absent from indisposition, and one it was not known from what circumstance; twenty-six had made different declarations; six hundred and ninety-three had voted in the affirmative. The president then pronounced the following sentence :

“ I declare, in the name of the convention, that Louis is guilty of a conspiracy against the liberty of the nation, and of attempts against the safety of the state.”

They then proceeded to the vote upon the second question: “ Shall the decree which the national convention shall pass, with regard to Louis Capet, be transmitted for the sanction of the people ?”

Two hundred and eighty-two gave their voice for the sanction of the people, and four hundred and eighty against it.

The sitting did not close till eleven at night.

The third question as to the punishment was delayed till next day.

At six in the evening the president announced the question,

What punishment shall be applied to the crimes of which Louis XVI. late king of France, is declared convicted ?

The secretary ascended the tribunal.

At three in the morning, about a fourth of the voices were collected.

Friday, Jan. 18.—A quarter after eight o'clock the president read the result of the *appel nominal*. He declared, *that the punishment to be inflicted upon Louis was death*, which was carried by a majority of five only.

The three defenders of Louis Capet were then admitted to the bar. One of them, Deseze, said,

“ Citizens, representatives, the law and the decrees have entrusted to us the sacred commission of the defence of Louis. We come with regret to present to you the last act of our duty. Louis has given to us the express charge to read to you a letter signed with his own hand, of which the following is a copy :

Letter from LOUIS.

"I owe to my honour, I owe to my family, not to subscribe to a sentence which declares me guilty of a crime with which I cannot accuse myself. In consequence, I appeal to the nation, from the sentence of its representatives; and I commit, by these presents, to the fidelity of my defenders, to make known to the national convention this appeal by all means in their power, and to demand that mention should be made in the minutes of their sitting. Given at Paris, Jan. 17, 1793. (Signed) LOUIS."

Deseze then resumed his speech. He reminded the assembly, that the decree of death had only been pronounced by a majority of five voices, while the other part of the assembly were of opinion that the safety of the country required another decision. He warmly conjured them to examine anew the question of appeal, and to grant to humanity, to the interest of the state, all that justice might not seem imperiously to claim.

The president informed the counsel, that the convention would take their requests into consideration; and invited them to the honours of the sitting.

The discussion of the question, Whether it would be proper to suspend the execution of the sentence passed against Louis Capet? was adjourned to next day.

The convention rose at eleven at night, after a sitting which continued thirty-six hours.

On the preceding day, a long and tumultuous debate took place respecting the votes decreeing the death of Louis Capet. A few alleged the secretaries had taken some of the names wrong down. The whole members therefore voted over again.

When the *appel nominal* was terminated, the president announced, that it was found that the sentence of death pronounced yesterday upon Louis, had been carried by a majority, not of *five*, but of *twenty-seven* votes.

Jan. 19.—At eleven o'clock the sitting had not been opened, on account of the absence of the president Vergniaud: it was voted that he should be censured, but he was exempted on account of being indisposed. Barrere took the chair.

After a long discussion, the convention proceeded to the *appel nominal* on the question, *Whether the execution of the sentence passed against Louis Capet should be delayed?*

Several members wished that the term of the delay to be voted upon, should first be decided.

The president then declared the result of the *appel nominal*.—Of 748 members, 17 were absent by commission, 21 from sickness, 8 without any assigned reason, 12 did not vote, 310 voted for delaying the execution of the sentence, and 380 against delaying it.

Some members, when they voted, wished to assign their reasons; but this was opposed by the convention, and the members were permitted to pronounce only *yes* or *no*.

The convention then ordered their decree to be immediately notified to the executive council, with orders to give an account on the following day at eleven o'clock, of the measures taken *to put it in execution within twenty-four hours*.

Cambaceres said, “Citizens, by pronouncing sentence of death against the *last king* of France, you have done an act the remembrance of which will not pass away, and which will be recorded by the graver of immortality in the annals of history. Public safety could alone prescribe to you that awful decree. Since it is passed, I stand up, in the name of humanity, to call your attention to the person who is the object of it. Let us allow him every possible consolation; and let us take proper measures to prevent the execution of the national will from being sullied with any stain. I move, therefore, the following propositions:

I. “The executive council shall be charged to notify the decree of death to Louis in the course of the day; to cause it to be executed within twenty-four hours *after it has been notified to him*; and to be careful that no insult be offered to the remains of Louis.

II. “The mayor and municipal officers of Paris shall be enjoined to suffer Louis to communicate freely with his family, and to have with him such priests as he may desire in his last moments.”

These propositions were unanimously adopted.

The sitting closed at two o'clock on Sunday morning. Jan. 20, at night.—The minister of justice informed the convention, that he, the president of the executive council, &c. went together this morning to the temple. At two o'clock they were brought to Louis, to whom

the minister of justice said, "Louis, the executive council has been charged to notify to you the minutes of the national convention." The secretary then proceeded to read the minutes.

Louis answered by reading a written paper signed with his own hand. We returned to the council, which decreed, that we should submit to you the writing delivered by Louis, of which I shall now read you a copy.

THE LAST REQUESTS OF LOUIS.

"I demand a delay of three days, in order to make the necessary preparations to appear in the presence of God; I demand for that purpose to send for and to see freely the person whom I shall mention---M. Eschevaux de Fermont.

"I demand that this person be secured from all disturbance, from all apprehension, on account of the last offices of charity which he shall render me.

"I demand to be freed from that perpetual inspection which the council general has established over me for some months.

"I demand in this interval, to be able to see my family as often as I shall request, and without witness.

"I would request, that the national convention would immediately proceed to deliberate on the fate of my family, and permit them to retire freely, wherever they may think proper.

"I recommend to the nation all the persons who were attached to me. There are many of them who have expended all their fortunes to purchase places under the new government, and who having now lost their sole dependence, must be in circumstances of want. Among my pensioners were many aged and indigent persons, who had no other means of support than the pension which I gave them.

(Signed)

"LOUIS."

"Done at the Temple, Jan. 20, 1793."

Cambaceres—Louis Capet has only made those requests because they did not inform him of the decree passed yesterday on my proposition, in which the greater part of his requests are anticipated. I propose that we shall pass to the order of the day.

The assembly passed to the order of the day.

Lacroix—I propose that we pass to the order of the day, on account of a respite of three days.—To grant that delay would be to revoke the delay decreed in the preceding sitting.—Adopted.

The assembly then passed to the order of the day on the request of Louis, to be freed from the perpetual inspection of the council general.

The following was the report to the convention, upon the death of Louis XVI. on Monday, Jan. 21.

Jacques Roux (the priest and preacher of the sans

culottes, one of the commissioners named by the commons to assist at the execution of Louis) spoke thus :

We come to give you an account of the mission with which we were charged. We went to the Temple, where we announced to the tyrant, that the hour for his execution was arrived. He desired some minutes alone with his confessor. He wanted to give us a parcel for you; but we replied, we were only charged to conduct him to the scaffold. He answered, *that is true*, and gave the packet to one of our colleagues. He recommended his family, and requested that Clery, his valet de chambre, should be that of the *queen*; and then hastily said, *of his wife*. He further requested that his old servants at Versailles should not be forgotten. He said to Santerre, *marchons*, let us go on; he walked through one court, and got into the carriage in the second. The most perfect silence reigned during the whole procession. Nothing happened. We went up into the offices of the marine to prepare the *proces-verbal*. We never lost sight of Capet till we arrived at the guillotine. He arrived at ten minutes after ten; he was three minutes getting out of the carriage; he wished to harangue the people: Santerre opposed it. *His head was severed from his body*. The citizens dipped their pikes and handkerchiefs in his blood.

Santerre—You have heard an exact account of all that passed. Louis Capet wanted to speak of mercy to the people, but I would not let him.

By another account, it appeared, that on his approaching the place of execution, at the appearance of the scaffold, and the guillotine, the fatal instrument of death, covered with black, he shrunk back with horror; but collecting himself, he stepped with firmness and composure from the carriage, and ascended the scaffold amidst the brutal huzzas of the populace, and the noise of drums and trumpets. He made several endeavours to speak, but his voice was drowned in the tumultuous uproar. In one short interval of silence he made the following short but pathetic discourse :

“ Je prends Dieu à témoin, que je meurs innocent des crimes dont j'ai été accusé. J'aime & j'ai toujours aimé mon peuple, et j'ai faite mille sacrifices personnels pour le rendre heureux; ainsi je ne lui attribue pas mes malheurs, mais bien à une faction, qui a dégradé la France aux yeux de l'être supreme et de tout l'univers. Daignez, O mon Dieu! recevoir mon ame, et m'accorder cette paix dont je n'ai pas joui dans ce monde; pardonnez à mes ennemis, et faites renaitre le bon ordre le tranquillité et le bonheur dans ma malheureuse patrie; c'est la mon dernier souhait. Amen.”

After pronouncing these words he dropped his handkerchief, and received the fatal stroke which put a period to his existence.

Louis XVIth ascended the throne on the 10th of May, 1774; was driven from the Thuilleries on the 10th of August, 1792; thrown into prison on the 14th of September, and dethroned on the 22d of the same month.

The commissaries of the Temple found in the king's desk some gold coin, to the amount of about three thousand livres. It was done up in rouleaus, and on them was written, "to Malesherbes." This grateful bequest of the deceased monarch was not immediately complied with: but the money was deposited in the secretaries' office.

After the execution, the king's body was carried to the burying-ground of *La Magdelaine*. To accelerate its dissolution, lime was thrown into the grave. Guards were placed to prevent its being taken away in the night. The grave in which the body was deposited was fourteen feet deep, and seven in width.

MARIE ANTOINETTE, QUEEN OF FRANCE.

OCTOBER, 1793.

ON the 1st August, the ill-fated Marie Antoinette was removed by order to the Conciergerie, a prison destined for the reception of the vilest malefactors. Here she endured all the aggravated horrors of incarceration; while she was never suffered the privilege of being alone, two soldiers being appointed to watch her night and day, without intermission. After a confinement of ten weeks in this loathsome dungeon, while preparations were making for her trial, she at length appeared before the revolutionary tribunal.

The Greffier read the act of accusation; which stated,

That by a decree of the convention, of the 1st of August, Marie Antoinette, widow of Louis Capet, has been brought before the revolutionary tribunal, as accused of conspiring against France:—That an examination being made of all the pieces transmitted by the public accuser, it appears that, like Messalina, Bruneaut, Fredegonde, and Medicis, who were formerly qualified with the titles of queens of France, whose names have ever been odious, and will never be effaced from the page of history—Marie Antoinette, widow of Louis Capet, has since her abode in France been the scourge and the blood-sucker of the French; that even before the happy revolution which gave the French people their sovereignty, she had political correspondence with

a man called the king of Bohemia and Hungary; that this correspondence was contrary to the interests of France; that not content with acting in concert with the brothers of Louis Capet, and the infamous and execrable Calonne, at that time minister of the finances; with having squandered the finances of France (the fruit of the sweat of the people) in a dreadful manner, to satisfy inordinate pleasures, and to pay the agents of her criminal intrigues, it is notorious that she has at different times transmitted millions to the emperor, which served him, and supported him to sustain a war against the republic; and that it is by such excessive plunder that she has at length exhausted the national treasury.

That since the revolution the widow Capet has not for a moment withheld criminal intelligence and correspondence with foreign powers; and in the interior of the republic, by agents devoted to her, whom she subsidized and caused to be paid out of the treasury of the *ci-devant* civil list; that at various times she has employed every manœuvre that she thought consistent with her perfidious views to bring about a counter-revolution. First, having, under a pretext of a necessary re-union between the *ci-devant* gardes du corps and the officers and soldiers of the regiment of Flanders, contrived a repast between these two corps on the 1st of October, 1789, which degenerated into an absolute orgy as she desired, and during the course of which the agents of the widow Capet perfectly seconded her counter-revolutionary projects; brought the greater part of the guests, in the moment of inebriety, to sing songs expressive of their most entire devotion to the throne, and the most marked aversion for the people; of having excited them insensibly to wear the white cockade, and to tread the national cockade under foot; and of having authorised, by her presence, all the counter-revolutionary excesses, particularly in encouraging the women who accompanied her to distribute these white cockades among the guests; and having, on the 4th of the same month, testified the most immoderate joy at what passed during these orgies.

Secondly—Having, in concert with Louis Capet, directed to be distributed very plentifully throughout the kingdom, publications of a counter-revolutionary nature, some of which were pretended to have been published by the conspirators on the other side of the Rhine (such as *Petitions to the Emigrants—Reply of the Emigrants—the Emigrants to the People—the Shortest Follies are the best—the Order of March—the Return of the Emigrants*, and other such writings:—of having even carried her perfidy and dissimulation to such a height, as to have circulated writings in which she herself is described in very unfavourable colours, in order to cloak the imposture; thereby to make it to be believed by foreign powers, that she was extremely ill-treated by Frenchmen, to instigate them to go to war with France.

The following is an abstract of the other charges:

Marie Antoinette was further accused, that being brought to Paris, she immediately began to intrigue with the members of the legislature, and held nightly meetings with them.

That she was accessory in getting bad ministers appointed, in order that her views might be assisted.

That her creatures were placed in all the public offices; men who were known to be conspirators to liberty.

That she was accessory in bribing the members of the legislative assembly to declare war against the emperor her brother.

That she gave intelligence to the enemy of the plans of the campaign, as soon as they were determined on by the council; which was the cause of many failures which the French arms experienced.

That she combined with her agents in plotting the overthrow of the constitution on the 10th day of August, 1792.

That on the 9th of the same month she got a number of Swiss guards into the Thuilleries, encouraged them to make cartouches, and animated Louis Capet to order his soldiers to fire.

That the civil war which now rages in France, has been produced by her intrigues.

That, finally, Marie Antoinette is an adept in all sorts of crimes.

According to this report, the public accuser brings the above charges against Marie Antoinette, qualifying her, in the examination, by the title of Lorrain and Austria, widow of Louis Capet; and stating,

1st. That in conjunction with the brothers of Louis Capet, and the infamous ex-minister Calonne, she squandered away in the most horrid manner the French finances, sent innumerable sums to the emperor, and drained the national treasury.

2d. That as well by herself as by the aid of her counter-revolutionary agents, she kept up a correspondence with the enemies of the republic, and informed these enemies, or caused them to be informed, of all the plans of campaigns and attacks resolved on and determined on in the council.

3d. That through her intrigues and manœuvres, and those of her agents, she formed conspiracies and plots against the interior and exterior safety of France; and to that effect kindled a civil war in divers provinces of the republic, armed the citizens against one another, and by these means spilled the blood of an incalculable number of citizens, contrary to the 6th article of the first section of the penal code, and to the 2d article of the second section of the same code.

The president said to the accused, after the act of accusation had been read, "This is what you are accused of—lend an attentive ear—you shall next hear the charges laid against you."

He then proceeded to the examination of the witnesses.

Laureat Lecointre, deputy to the national convention, deposed against the accused, as having formerly been the wife of the *ci-devant* king of France; and as being the person who, at the time of her removal to the Temple, had charged him with a me-

morial to the convention, in order to gain over twelve or fourteen persons, whom she mentioned, to what she called her service. The convention, on that occasion, passed to the order of the day upon the ground that he should address himself to the municipality.

The deponent then entered upon the detail of the festivals and orgies which took place at Versailles, from the year 1789; the result of which had been a dreadful dilapidation in the finances of France. The witness gave a detail of what preceded and followed the assemblies of the notables, till the time of the opening of the states general; the state of the generous inhabitants of Versailles; their grievous perplexities on the 23d of June, 1789, when the artillery-men of Nassau, whose artillery was placed in the stables belonging to the accused, refused to fire upon the people. At length, the Parisians having shaken off the yoke of tyranny, this revolutionary movement re-animated the energy of their brethren at Versailles. They formed the intrepid and courageous project of freeing themselves from the oppression of the despot, or of his agents. On the 28th of July, the citizens of Versailles expressed a wish to organize themselves into national guards, like their brethren of Paris. They nevertheless proposed to consult the king; the negotiator was the *ci-devant* Prince de Poix. Endeavours were made to prolong the matter; but the organization having been made, the staff was appointed; D'Estaing was named commandant-general, and Gouvernet second in command.

The witness here entered into the detail of the facts which preceded and followed the arrival of the regiment of Flanders. The accused, on the 29th of September, sent for some officers of the national guard, and made them a present of two colours; a third remained, which they were told was destined for a battalion of pretended guards, paid for the avowed purpose, as it was declared, of relieving the inhabitants of Versailles, who were thus cajoled; at the same time that it was affected to pity them, though they in reality were abhorred.

On the 29th of September, 1789, the national guard gave a repast to its brave brethren, the soldiers of the regiment of Flanders. The public journals gave an account at the time, that at the repast of the citizens, nothing passed contrary to the principles of liberty; but that the feast given October the first, by the gardes du corps, had no other aim than to provoke the national guard against the *ci-devant* soldiers of Flanders, and the *chasseurs des trois évêchés*.

The witness observed, that the accused appeared at this latter part with her husband; that they were loudly applauded there: that the air of *O Richard! O my King!* was played: that the health of the king and queen was drank, as well as that of her son; but that the health of the nation, which had been proposed, was rejected. After this feast, they removed themselves to the castle of the *ci-devant* court called *marble*; and there, in order to give the king a just idea of the manner with which they were disposed to defend the interests of his family, if occasion required

it, a person named Perceval, aid-de-camp to D'Estaing, first mounted, and after him, a grenadier of the regiment of Flanders; a third dragoon also attempted to scale the said balcony, but was not able to succeed, or he would have destroyed it. With respect to the said Perceval, he took the cross with which he was decorated, in order to give it to a grenadier, who likewise had scaled the balcony of the *ci-devant* king.

Upon the request of the public accuser, the tribunal ordered that a mandamus should be issued to bring forth Perceval and D'Estaing.

The witness added, that on the 3d of the same month of October, the gardes du corps gave a second entertainment. It was there that the most violent outrages were committed upon the national cockade, which was trodden under foot.

The deponent here detailed what happened at Versailles on the 5th and 6th of October. He observed, that on the day of the 6th of October, D'Estaing being informed of the movements which were making in Paris, went to the municipality of Versailles, in order to obtain permission to carry away the *ci-devant* king, who was then hunting, and who was entirely ignorant of what was passing, with a promise to bring him back when tranquillity should be restored. The witness deposited upon the desk the statements relative to the facts contained in his declaration, which were added to the process.

The President to the accused queen—Have you any observations to make upon the witness's deposition?

Queen—I have no knowledge of the greater part of of the facts which the witness mentions. It is true, that I gave two colours to the national guard at Versailles; and it is also true, that we walked round the table on the day of the entertainment given by the gardes du corps; but this is all.

President—You acknowledge that you were in the hall of the *ci-devant* gardes du corps. Were you there when they played the air of *O Richard! O my King?*

Queen—I do not recollect.

President—Were you there when the health of the nation was proposed, and rejected?

Queen—I do not think that I was.

President—It is notorious, that the report all over France at that time was, that you had yourself visited the three armed corps at Versailles, for the purpose of engaging them to defend what you called the prerogatives of the throne?

Queen—I have nothing to answer.

President—Did you not, before the 14th of July, hold nightly meetings, at which Polignac assisted;

and was it not there deliberated upon the means of sending money to the emperor?

Queen—I never assisted at any such meetings.

President—Have you any knowledge of the famous bed of justice held by Louis Capet in the midst of the representatives of the people?

Queen—I have.

President—Was it not D'Espremenil and Thouret, assisted by Barentin, who revised the articles that were proposed?

Queen—I am entirely ignorant of this matter.

President—Your answers are not accurate; for it was in your apartments that the articles were revised.

Queen—It was in the council that this affair was determined.

President—Did not your husband read his speech to you half an hour before he entered the hall of the representatives of the people, and did you not exhort him to pronounce it with resolution?

Queen—My husband had great confidence in me, and that made him read his speech; but I made no observations.

President—What were the deliberations upon surrounding the representatives of the people with bayonets, and assassinating half of them if possible?

Queen—I never heard mention of such a thing.

President—You cannot have been ignorant that there were troops in the Champ de Mars. You must have known the cause of their being assembled?

Queen—I knew at the time that troops were assembled, and I am absolutely ignorant of the motive.

President—But enjoying the confidence of your husband, you must have known the cause?

Queen—It was to restore public tranquillity.

President—What use have you made of the immense sums which you have been entrusted with?

Queen—No enormous sum has been entrusted to me; the accounts of my household will prove what use has been made of all I have received.

President—How did the family of the Polignacs, who were so poor at first, grow so rich?

Queen—The family held offices at court, which were very lucrative.

Jean Baptiste Lapiere, *ci-devant* aide-major of the national guard, deposed, that being on guard in the chateau the 20th of June, 1791, the day of the flight to Varennes, he had heard a report, that the aristocrats were to carry off the queen and the royal family during the night, but that notwithstanding his vigilance he had seen nothing.

The public accuser—By what quarter did you depart on the day that you fled?

Queen—By the door of the apartment of M. de Villequier.

Public accuser—Who opened that door?

Queen—It was I.

Public accuser—Were you on foot, or in a carriage, in crossing the Square du Carouzel?

Queen—On foot.

Public accuser—Were Bailly and La Fayette informed of your departure?

Queen—No.

Public accuser—Did you meet with La Fayette as you were going away?

Queen—We saw him in his carriage in the Square du Carouzel.

Public accuser—What o'clock was it?

Queen—Half-past eleven at night.

Public accuser—Had you seen La Fayette that day?

Queen—I do not recollect.

Roussillon, *ci devant* judge of the revolutionary tribunal—All the facts contained in the act of accusation are of such public notoriety that it is unnecessary to spend time on them. If my fullest conviction can be of any weight, I will not hesitate to affirm, that I am fully persuaded that this woman is guilty of the greatest crimes; that she has always conspired against the liberty of the French people. The following is a circumstance which I have to relate to you:—On the 10th of August, I was present at the siege of the Chateau of the Thuilleries. I saw under the bed of Marie Antoinette full or empty bottles, from which I concluded that she had herself distributed wine to the Swiss soldiers, that these wretches, in their intoxication, might assassinate the people.—Roussillon then declared, that his intention, and that of the other patriots was, after having inflicted justice on the *etat major* of the Swiss guard, to proceed to the convention, to sacrifice the royal family who had taken refuge there. “We met,” added he, “Brissot and Gaudet, who conjured us not to commit that political crime; I say political crime, for it can never surely be a crime in mortals to rid the earth of tyrants.”

President—Have you any observations to make, Marie Antoinette.

Queen—I am not acquainted with that gentleman—I do not know what he means.

Hebert, substitute of the procureur of the commune.—“As a member of the commune of the 10th of August, I have been obliged to discharge with the prisoners of the Temple several duties, which have given me an opportunity of being convinced of the spirit of rebellion against the national authority which animated those prisoners. This assertion I will prove by facts.

Upon an examination of the effects of Marie Antoinette, there was found in her pocket a copy of the ritual; in the leaves of this book was a sort of image, the emblem employed by the counter-revolutionists. On this image was a heart, with this inscription, *Cor Jesu miserere nobis*. There was found with Madame Elizabeth a hat, which she said belonged to Louis Capet, though he had only one, which was in his chamber. I proceed to facts more important. The true sans culottes, Simon, requested me to come to the Temple, as he had something to communicate. I went. Simon then told me, 'I surprised little Capet alone, in the commission of acts very unnatural. Astonished to see an infant so early instructed in crimes, I asked who had been his instructors? He answered with all the ingenuousness and candour of his age, that he had been taught by his mother and his aunt.' I will not sully your ears," added Hebert, "by reporting the obscenities which this infant has recited. I will merely tell you that there subsisted an incestuous intercourse with his mother and his aunt; that the young Capet contracted a rupture in consequence of the debaucheries in which they had initiated him. I cannot believe, citizen jurors, that the sole pleasure of sense induced these murdering Messalinas to be guilty of these excesses. Marie Antoinette had nothing else in view than to enervate by debauchery the infant whom she expected one day to become a king, that she might govern at her own pleasure, and perpetrate, under the sanction of a debilitated tyrant, all the crimes of another Medicis. I must not forget to remind you, that since the death of Louis Capet, the infant was regarded by his mother and his aunt as king of the Temple. At table he sat at the upper end. They paid him respect and homage, and always walked behind him."

President—What have you to answer?

Queen—I answer, that the picture found in the ritual was no emblem of a counter-revolution, but a simple figure of devotion, which had been given to my daughter. As to the hat, my sister assured me, that her brother had given it her when he had been provided with a new one. As to my son, M. Hebert ought to know, that a mother always gives her children a preference to herself. To the other parts of his deposition the queen made no answer.

Public accuser—Did not citizen Michonis bring along with him into prison an individual, who let drop a pink, in which was inclosed a billet?

Queen—That is true.

Public accuser—Who was the man who delivered to you this billet?—Did you know him?—What is his name?—What were the contents of the billet?—Did you answer it?

Queen—His name I do not recollect.—The contents of the billet were, that he had been thrown into prison, but had found means to extricate himself; that he offered me money; and that he would return the Friday following.—I answered, by pricking upon a paper with a pin, that my guards never suffered me to be out of their sight; so that I had no opportunity to write or communicate with any person.

Public accuser—Why were you startled upon seeing this individual?

Queen—Because I was alarmed at the danger which he ran in getting into my prison.

The tribunal was about to proceed to examine another witness, when one of the jury requested the president to demand of the accused an answer with respect to the crimes, the proof of which rested on the declarations of the young Capet.

Queen—I remained silent on that subject, because nature holds all such crimes in abhorrence!—(Then, turning with an animated air to the people)—“I appeal to all mothers who are present in this auditory, is such a crime possible?”

Abraham Silly, notary, deposed, that being on duty at the *ci-devant* palace of the Thuilleries, on the night of the 20th of June, the accused came to him about six o'clock in the evening, and said that she wished to walk with her son: that he charged the Sieur Laroche to accompany her: that some time after he saw La Fayette come five or six times to Gouvion: that the latter, about ten o'clock, gave orders to shut the gates, excepting that looking into the court called the court of the *ci-devant* princes: that on the morning, Gouvion entered the apartment where the deponent was, and said to him, rubbing his hands with an air of satisfaction, “They are gone:” that he delivered to him a packet which he carried to the constituent assembly, for which citizen Beauharnois, the president, gave him a receipt.

President—At what hour of the night did La Fayette quit the palace?

Witness—At midnight, within a few minutes.

The president to the accused—At what hour did you depart?

Queen—I have already said at three quarters past eleven.

President—Did you depart with Louis Capet?

Queen—No; he left before me.

President—How did he depart?

Queen—On foot, by the great gate.

President—And your children?

Queen—They departed an hour before with their governess; they waited for us in the square of the Petit Carouzel.

President—What was the name of the governess?

Queen—De Tourzel.

President—Who were the persons along with you?

Queen—The three gardes du corps who accompanied us, and who returned with us to Paris.

President—How were they dressed?

Queen—In the same manner as at their return.

President—And how were you dressed?

Queen—I wore the same robe as at my return.

President—How many persons were there apprized of your departure?

Queen—There were only the three gardes du corps at Paris who were acquainted with it; but, on the road, Bouille had placed troops to protect our departure.

President—You said that your children departed an hour before you, and that the *ci-devant* king departed alone; who then accompanied you?

Queen—One of the gardes du corps.

President—Did you not at your departure meet La Fayette?

Queen—I saw, as I was departing, his carriage passing along the Carouzel, but I took care not to speak to him.

President—Who furnished you, or caused you to be furnished, with the famous carriage in which you departed with your family?

Queen—A foreigner.

President—Of what nation?

Queen—A Swede.

President—Was it not Fersen, who resided at Paris, Rue de Bacq?

Queen—Yes.

President—Why did you travel under the name of a Russian baroness?

Queen—Because it was impossible any other way to get out of Paris.

President—Who procured you the passport?

Queen—It was demanded by a foreign minister.

President—Why did you quit Paris?

Queen—Because the king was desirous to go from it.

The President to the accused—How many priests were there in the castle?

Queen—We had only priests about us who said mass.

President—Were they non-juring priests?

Queen—The law permitted the king, in this respect, to take whom he chose.

President—What was the subject of your discourse on the road from Varennes, in returning with Barnave and Petion to Paris?

Queen—We talked on very indifferent matters.

John Baptist Hibain, *alias* Percival, formerly a game-keeper, and now employed at the manufactory of arms, said, that, being at Versailles on the first of October, 1789, he knew at that time of the first feast of the gardes du corps, but was not present at the same. That, on the 5th of the same month, in his capacity of aid-de-camp of the *ci-devant* Count D'Estaing, he acquainted the latter that some commotions had happened at Paris, of which D'Estaing took no notice; that the same afternoon, the crowd having considerably increased, he spoke to D'Estaing a second time, but that he would not so much as hear him.

The witness next entered into a detail of the arrival of the Parisians at Versailles between 11 and 12 at night.

President—Did you not wear a decoration at that period?

Witness—I wore the ribbon of the order of Limbourg, of which I had, like any one that wished to have it, bought the brevet for 1500 livres.

President—Were not you, after the disorderly feast of the gardes du corps, in the court of marble, and were you not one of the first that scaled the balcony of the *ci-devant* king?

Witness—I came to the feast of the guards when it was nearly finished, and as they went to the castle I accompanied them thither.

The President to witness Lecointre—Inform the tribunal what you know relating to the present witness.

Lecointre—I know that Percival scaled the balcony of the apartment of the *ci-devant* king—that he was followed by a grenadier of the regiment of Flanders, and that being arrived at the apartment of Louis Capet, Percival embraced the said grenadier, in presence of the tyrant, then present, saying, “there is no more regiment of Flanders, we are all of us royal guards.” A dragoon from the regiment les trois évêchés, having attempted unsuccessfully to follow them, was about to destroy himself.

The witness observed, that he did not speak to the above fact as an eye-witness, but that Percival, the evidence present, had at the same time entrusted it to him, Lecointre, in confidence, and he found it hereafter to be strictly true. He, in consequence,

desired the president to require Percival to declare, whether or not he remembers having related at the time the above circumstance to him, the witness.

Percival—I remember having seen citizen Lecointre; I even believe to have acquainted him with the story of the balcony. I know he was, on the 5th and 6th of October, commander of the national guards in the absence of D'Estaing, who had absconded.

Lecointre maintained his deposition as strictly true.

Rene Mullet, a servant maid, deposed, that having, in 1778, lived as servant at Versailles, she asked one day the *ci-devant* Count Coigny, in a moment of good-humour, "Will the emperor still continue to wage war against the Turks? Surely that must ruin France, on account of the immense sums the queen sends her brother for that purpose, which must at least amount to 200 millions."—"Thou art right enough," answered the count, "it cost already more than 200 millions, and we are not at the end of it yet." I know further, says the witness, that happening to be after the 23d of June, 1789, in a place where some guards of Artois and some officers of hussars were present, I heard the former say, at the time the massacre of the French guards was in agitation, "Every one must be at his post, and do his duty." But that the French guards having been informed of the business intended against them, cried out "To arms!" which defeated the project entirely.

I further observe (continues the witness) that I have been informed by divers persons, that the prisoner had formed a plan to assassinate the Duke of Orleans. The king being acquainted therewith, ordered her to be instantly searched, on which two pistols were found on her. The king, in consequence, had her confined a prisoner in her own room during a fortnight.

Queen—It is possible I might have received an order from my husband to remain a fortnight in my apartment, but it was not for a case similar to the above.

Witness—I know further, that in the first days of October, 1789, some ladies of the court distributed white cockades to divers private gentlemen at Versailles.

Queen—I remember having heard, that one or two days after the feast of the body guards, some women distributed these cockades, but neither I nor my husband were the authors of similar disorders.

President—What steps did you pursue to punish these women, after you were acquainted with this circumstance?

Queen—None at all.

President to the queen—Did you ever read "The Orator of the People?"

Queen—No, never.

The accused being asked respecting a small packet

which was shewn her, she acknowledged it was the same as that on which she had put her seal when she was transferred from the Temple to the Conciergerie.

The packet being opened, one of the officers of the court took an inventory of it, and called over its contents.

The first was some locks of hair of different colours.

Queen—They are the hair of my children, living and dead, and of my husband.

The next was a packet marked with cyphers.

Queen—This is only a table to learn my child to reckon.

Several papers were then read, containing memorandums of washing bills, &c.

A port-feuille of parchments and other papers was then produced, on which were written the names of different people.

The president demanded that the accused should explain them.

President—Who is the woman called Salentin?

Queen—She for a long time superintended my affairs.

President—Who is the Demoiselle Vion?

Queen—She was employed in the care of my children's clothes.

President—And who is Madame Chaumette?

Queen—She succeeded the Demoiselle Vion.

President—What is the name of the woman who took care of your laces?

Queen—I do not know her name; some of my ladies employed her.

President—Who is Le Bernier, whose name is written here?

Queen—It is the name of the physician who attended my children.

The register continued the inventory of the effects in a packet found on Marie Antoinette:

A small pocket-book, containing scissors, needles, thread, silk, &c.

A small looking-glass.

A gold ring with hair-work.

A paper, on which were *two hearts* in gold, with some initials.

Another paper, on which was written, *prayers to the sacred heart of Jesus, prayers to the immaculate conception.*

A portrait of a lady.

President—Whose portrait is this?

Queen—That of Madame de Lamballe.

Two other portraits of ladies.

President—Who are the persons these portraits represent?

Queen—Two ladies whom I was brought up with at Vienna.

President—What are their names?

Queen—The ladies of Mecklenburgh and of Hesse. A paper containing twenty-five single louis d'ors.

Queen—They are some that were lent me while we were at the Feuillans.

A small canvass, with a heart painted in flames on it, pierced by a dart.

The public accuser desired the witness Hebert to examine this heart, and to declare if he knew it to be the same he found in the Temple?

Hebert—This heart is not the same that I found, but very much like it.

The public accuser remarked, that in the number of prisoners accused of conspiracy, and brought before the tribunal as such, and who had suffered under the sword of the law, most of them wore that counter-revolutionary sign.

Hebert observed that he did not know any thing of the women, Salentin, Vion, and Chaumette, having ever been employed in the service of the queen in the Temple.

Queen—They were so at the beginning.

President—Did you not, a few days after your flight, on the 20th of June, order some apparel of the *Sœurs Grises* (a description of nuns)?

Queen—I never gave any such order.

President—Have you not abused the influence you had over your husband, in asking him continually for drafts on the public treasury?

Queen—I never did so.

President—Where did you then get the money to build and fit out the Petit Trianon, in which you gave feasts, of which you were always the goddess?

Queen—There was a fund destined to that purpose.

President—This fund was then very considerable; for the Petit Trianon has cost enormous sums?

Queen—It is possible that the Petit Trianon may have cost immense sums ; may be more than I wished. This expence was incurred by inches ; in fact, I desire more than any one that every person may be informed what has been done there.

President—Was it not at the Petit Trianon that you saw for the first time the wife of La Motte ?

Queen—I never saw her.

President—Was she not your victim in the affair of the famous necklace ?

Queen—How could she be so, as I did not know her.

President—So you persist in denying that you ever knew her.

Queen—My intention is not to deny ; I only speak the truth, and shall persist in so doing.

President—Was it not you that caused the ministers, and other civil and military officers, to be named ?

Queen—No.

President—Had you not a list of the persons you wished to get places for, with notes, framed in glass ?

Queen—No.

President—Did you not force several ministers to promote to the vacant places those whom you had given a list of ?

Queen—No.

President—Did you not force the ministers of finances to give you money ; and some of them refusing to do so, have you not threatened them with all your indignation ?

Queen—No, never.

President—Have you not been teasing Vergennes to send six millions to the King of Bohemia and Hungary ?

Queen—No.

Jean Baptiste Oliver Garnarin, *ci-devant* secretary to the commission of twenty-four, deposed, that having been commissioned to examine and enumerate the papers found in the house of Septuail, he found in these papers a check for eighty thousand livres, signed Antoinette, to the profit of the *ci-devant* Polignac, with a note relating to one Lazaille ; and another paper proving that the prisoner had sold all her diamonds to send their produce to the emigrants.

The deponent added, that he delivered all these papers at the time to one Falazé, member of the commission, to frame the indictment against Louis Capet ; but that he the deponent was very much surprized to find, that Falazé, in the report he made to the national convention, never mentioned any thing of these papers signed Marie Antoinette.

President to the queen—Have you any observations to make on the evidence of the witness?

Queen—I persist in saying, that I never gave nor signed any checks.

President—Do you know Lazaille?

Queen—Yes, I do.

President—How did you know him?

Queen—I knew him to be a naval officer, and have seen him at court, as well as others.

The president to the queen—Have you any knowledge of the immense forestallings of commodities of the first necessity, made by order of the court, to starve the people, and compel them to demand again the former government so favourable to tyrants?

Queen—I have no knowledge whatever of any forestallings.

Charles Eleonore Dufriche Valazé, formerly delegate to the national assembly, deposed, that betwixt the papers found at M. Septeuil's, and which with others served to frame the indictment against Louis Capet deceased, and at the making out of which he himself co-operated as a member of the commission of twenty-four, he observed two of them relating to the prisoner.

The first was a check, or rather a receipt by her, signed for a sum of 15 or 20,000 livres, as near as he remembered; the other was a letter in which the minister begged of the king to communicate to Marie Antoinette the plan of the campaign presented to him.

The President to the witness—Why did you not speak of these vouchers when you made your report to the convention?

Witness—I did not mention them, because I thought it superfluous to speak in the process of Louis Capet of a quittance of Antoinette.

President—Have you been a member of the commission of twenty-four?

Witness—Yes, I have.

President—Do you know what became of these two vouchers?

Witness—The papers which served to form the indictment against Louis Capet were claimed by the community of Paris, because they contained charges against sundry individuals suspected to have had an intention to compromise with several members of the national convention, in order to obtain decrees favourable to Louis Capet. I believe that all the vouchers have now been returned to the committee of general safety.

The president to the queen—What have you to answer to the depositions of this witness?

Queen—I know nothing, either of the check or the letter he mentions.

The public accuser—It seems to be proved, notwithstanding your denials, that through your influence over the *ci-devant* king, your consort, you made him do what you pleased.

Queen—There is a wide difference between advising an action, and executing it.

Dedier Jourdeheil, serjeant, declared, that in the month of September, 1792, he found a string of papers in the house of Affry, in which was a letter from Antoinette, that contained these words “Can we trust the Swiss? Will they be firm when it may be necessary?”

Queen—I never wrote to Affry.

The public accuser observed, that last year, being director of the jury of accusation near the tribunal of the 17th of August, he was entrusted with the drawing up of the process against Affry and Cuzotte; that he perfectly well recollected having seen the letter of which the witness spoke; but the faction of Roland having caused this tribunal to be suppressed, got the papers removed by means of a decree which they procured, notwithstanding the objections of all good republicans.

President—What were the papers which were burnt at the manufacture of Sevé?

Queen—I believe it was a bible; as for the rest, I was not consulted about it; I was told of it afterwards.

President—How can you be ignorant of this fact? Was it Riston who was charged with the negotiation of this affair?

Queen—I never heard any thing of Riston; and I persist in saying, that I did not know La Motte; if I had been consulted, I would have opposed the burning of papers against me.

President—You so influenced the organization of the late royal guard, that it was composed only of individuals against whom the public opinion was directed; and, indeed, could the patriots behold without pain, the chief of the nation surrounded with guards composed of non-juring priests and assassins? Happily your politics were wrong: their anti-civic conduct, and counter-revolutionary sentiments, forced the legislative assembly to dismiss them; and Louis Capet, after that dismissal kept them in pay till the 10th of August, when he was overthrown in his turn.

On your marriage with Louis Capet, did you not conceive the project of re-uniting Lorraine to Austria?

Queen—No.

President—You bear its name?

Queen—Because we ought to bear the name of one's country.

President—After the affair of Nancy, did you not write to Bouille, to congratulate him on his having massacred seven or eight thousand patriots in that town?

Queen—I never wrote to him.

President—Did you not employ yourself in sounding the opinion of the departments, districts, and municipalities?

Queen—No.

The public accuser observed to the prisoner, that there was found upon her secretary, a paper which attested that fact in the most precise manner, and in which were found inscribed the names of Vaublanc and Jancourt.

The said paper being read, the queen persisted in saying, that she did not recollect that she had ever written any thing of the kind.

Witness—I should request, citizen president, that the accused may be compelled to declare, whether, on the day the people did her husband the honour of decorating him with the red bonnet, there was not held a nocturnal council in the palace, where the destruction of Paris was resolved, and where it was decided to post up royal bills by Esmenard, *Rue Platrière*.

Queen—I do not know that name.

President—Did you not, on the 9th of August, 1792, give your hand to Tassin, of Etang, to kiss, who was captain of the armed force of the Filles Saint Thomas, in saying to his battalion, "You are brave fellows, and of good principles, I will ever count on your fidelity?"

Queen—No.

President—Why did you, who had promised to bring up your children in the principles of the revolution, teach them nothing but errors; in treating, for instance, your son with a respect which might make it believed that you thought of seeing him one day the successor of the *ci-devant* king, his father?

Queen—He was too young to speak to on that sub-

ject. I placed him at the head of the table to give him, myself, what he wanted.

President—Have you any thing to add to your defence ?

Queen—Yesterday I did not know the witnesses : I knew not what they were to depose against me ; and nobody has produced against me any positive fact : I have but to observe, that I only was the wife of Louis XVI. and it was reasonable for me to conform myself to his will.

Fouquier, the public accuser, then spoke. He reminded the jury of the flagitious conduct of the late French court, of its constant machinations against liberty, which it did not like, and the destruction of which it sought to compass at any rate ; its efforts to kindle civil war, in order to turn its result to its own advantage, by appropriating to itself this Machiavelian maxim, *divide and reign* ; its criminal and culpable connections with the foreign powers with whom the republic was at open war ; its habits of intimacy with a villainous faction, which was devoted to it, and seconded its designs, by exciting in the bosom of the convention animosities and dissensions ; by employing all possible means to ruin Paris, and arming the departments against that city ; and by incessantly calumniating the generous inhabitants of that city, the mother and preserver of liberty—the massacres perpetrated by the orders of that corrupt court in the principal towns of France, especially at Montauban, Nismes, Arles, Nanci, in the Champ de Mars, &c. &c. He considered Marie Antoinette the avowed enemy of the French nation, as the principal instigatrix of the troubles which had taken place in France for four years past, and to which thousands of Frenchmen fell victims.

Chauveau and Trouson du Coudray, officially appointed by the tribunal to defend Antoinette, acquitted themselves of that duty, and solicited the clemency of the tribunal. They were heard with the most profound silence.

After this, the president of the revolutionary tribunal addressed the jury in the following terms :

Citizens of the jury : the French nation, by its organ the public accuser, has accused, before the national jury, Marie Antoinette

of Austria, widow of Louis Capet, of having been the accomplice, or rather the instigatrix, of most of the crimes of which the last tyrant of France was found guilty; of having herself kept up a secret understanding with powerful foreign nations, especially with the king of Bohemia and Hungary, her brother—with the *ci-devant* emigrant French princes and traitorous generals; with having furnished the enemies of the republic with supplies of money, and of having conspired with them against the external and internal security of the state.

A great example is this day given to the universe, and it will surely not be lost upon the nations which inhabit it. Nature and reason, so long outraged, are satisfied at last, and equality is triumphant.

A woman who lately occupied all the most brilliant distinctions which the pride of kings, and the baseness of slaves could invent, occupies now, before the tribunal of this nation, the place which was occupied two days ago by another woman, and this equality secures impartial justice.

This trial, citizens of the jury, is not one of those where a single fact, a single crime, is submitted to your conscience and your knowledge. You have to judge all the political life of the accused, ever since she came to sit by the side of the last king of France; but you must, above all, fix your attention to the manœuvres which she never for an instant ceased to employ to destroy rising liberty, either from within the kingdom, by her close connexions with infamous ministers, perfidious generals, and faithless representatives of the people; or, from without the kingdom, by causing the negotiation of that monstrous coalition of the despots of Europe, which history holds up to ridicule for impotence. In short, by her correspondence with the *ci-devant* emigrant French princes and their worthy agents.

Had we wished for an oral proof of all those deeds, the prisoner ought to have been made to appear before the whole French nation. The material proof rests in the papers seized in the abode of Louis Capet, enumerated in a report made to the national convention by Gohier, one of its members; in the collection of the justificatory pieces of the act of accusation passed against Louis Capet by the convention; and, lastly and chiefly, citizens of the jury, in the political events of which you have all been witnesses and judges.

If I were permitted, in fulfilling a limited office, to give myself up to emotions which feelings of humanity impose, I should have invoked before the jury, the names of our brothers at Nanci, at the Champ de Mars, at the frontiers, at La Vendée, at Marseilles, at Lyons, at Toulon, in consequence of the infernal machinations of this modern Medicis. We should have brought before you the fathers, the mothers, the wives and infants of those unhappy patriots! What do I say? unhappy!—they have died for liberty, and faithful to their country. All those families, in tears and despair, would have accused Antoinette of having snatched from them every thing that was most dear to them in this world, and the loss of which renders life insupportable.

In fact, if the satellites of Austrian despotism have broken in for a moment on our frontiers, and if they have there committed atrocities of which the history of even barbarous nations does not furnish a parallel example; if our ports, our plains, and our cities are sold or given up, is it not evidently the result of the manœuvres planned at the Thuilleries; and of which Marie Antoinette was at once the instigatrix and the prime mover? These, citizen jurors, are the public events which form the mass of proofs that overwhelm Marie Antoinette.

With regard to the declarations which were made in bringing on this trial, and the debates which have taken place, there result from them certain facts, which come directly in proof of the principal accusation brought against the widow Capet.

All the other details, given either as a history of the revolution, or in the proceedings against certain notorious personages, and some treacherous public functionaries, vanish before the charge of high treason, which weighs heavily upon Antoinette of Austria, widow of the *ci-devant* king.

There is one general observation to be attended to, namely, that the accused has owned that she had the confidence of Louis Capet.

It is evident too, from the declaration of Valaze, that Antoinette was consulted in political affairs; since the late king was desirous she should be consulted upon some plan, of which the witness could not tell the object.

One of the witnesses, whose precision and ingenuousness are remarkable, has told you that the late Duke of Coigny informed her in 1788, that Antoinette had sent the Emperor, her brother, 200 millions, to enable him to carry on the war which he then waged against the Turks.

Since the revolution a bill of between 60 and 80,000 livres, signed Antoinette, and drawn upon Septeuil, has been given to the woman Polignac, then an emigrant; and a letter from La Porte recommended to Septeuil not to leave behind the least trace of that gift.

Lecointre, of Versailles, told you, as an ocular witness, that since the year 1779, enormous sums had been expended at court, in the fêtes of which Marie Antoinette was always the idol.

Here the president went through the charges of the first of October, when an *orgie* was given by the life guards; the flight to Varennes; the massacre of the Swiss on the 10th of August; and, coming to the conduct of the queen since her imprisonment in the Temple, he concluded as follows:

The persons whose business it was to superintend in the Temple, always remarked in Antoinette a spirit of rebellion against the sovereignty of the people. They seized an image representing a heart, and that image is a sign of *ralliement*, which was worn almost upon all the counter-revolutionists, who came within the grasp of national vengeance.

After the tyrant's death, Antoinette observed in the Temple, with regard to her son, all the etiquette of the ancient court. The son of Capet was treated as a king. In all family affairs

he had the precedence of his mother. At table he sat uppermost, and was served first.

I shall forbear, citizens of the jury, to mention here the interview of the Chevalier de St. Louis, of the carnation flower left in the apartment of the accused, or of the pricked paper given, or rather prepared for an answer. This incident is a mere gaol intrigue, which ought not to weigh in such a grand accusation as the present.

I conclude by a general reflection, which I have already had an opportunity of introducing: It is the French nation which accuses Antoinette; all the political events are evidence against her.

These are the questions which the tribunal has determined to submit to you:—

1st. Is it proved that there existed machinations and private correspondence with powerful foreign states, and other external enemies of the republic; such machinations and correspondence tending to furnish succours in money, and to give them ingress into the French territory, for the purpose of facilitating the progress of their arms?

2dly. Is Marie Antoinette convicted of having co-operated with those machinations, and of having carried on such correspondence?

3dly. Is it proved that there existed a plot or conspiracy to light up a civil war in the heart of the republic?

4thly. Is Marie Antoinette convicted of having had a share in that plot and that conspiracy?

The jury, after having deliberated about an hour, returned into the hall, and gave a verdict, *affirming all the charges submitted to them.*

The queen was again brought in.

President—Antoinette, hear the sentence of the jury, (which was then read). You shall hear the questions of the public accuser.

Fouquier then spoke, and demanded that the accused should be condemned to die, conformable to the first article of the first section of the first chapter of the second part of the penal code.

The President called upon the accused to declare, whether she had any objection to make to the sentence of the laws demanded by the public accuser?

Antoinette bowed her head in token of a negative.

Upon the same question being made to her counsel, Trouson spoke, and said, "Citizen president, the declaration of the jury being precise, and the law formal in this respect, I announce that my professional duty with regard to the widow Capet is terminated."

The president gathered the suffrages of his colleagues and pronounced the following sentence:

The tribunal, after the unanimous declaration of the jury, in conformity to the laws cited, condemns the said Marie Antoinette, called of Lorraine and Austria, widow of Louis Capet, to the punishment of Death, and confiscation of her property to the benefit of the republic; and this sentence shall be executed in the Square of the Revolution.

The president then moved for the court to adjourn, and the queen was conducted back to prison. Throughout the whole of her trial, she preserved a calm and steady countenance. During the first hours of her trial, she played with her fingers upon the bar of her chair with an appearance of unconcern, as if she was playing on the piano forte. When she heard her sentence read, she did not shew the least alteration in her countenance, and left the hall without saying a single word to the judges, or to the people. It was then half-past four in the morning, October 16.

The queen was conducted to the condemned hold in the prison of the Conciergerie, and where she had been confined since the first of August, in a room twelve feet long, eight feet broad, four feet under ground, and with a grated window on a level with it. The furniture was such as is used in the prison, and originally intended for the meanest criminal; her food was of the coarsest kind, and she was constantly kept in sight by a female prisoner, and two light horsemen, to the very hour when she left it for execution. In returning from the tribunal, she asked, *if she had answered with too much dignity.* “*I do ask you,*” said she, “*because I overheard a woman say, ‘See how haughty she still is.’*” At five o’clock the *generale* was beat. At seven the whole armed force was on foot; cannons were planted on the squares, and at the extremities of the bridges, from the palace to the square de la Revolution. At ten o’clock numerous patrols passed through the streets.

At half past eleven in the morning Marie Antoinette was brought out of the prison, dressed in a white *déshabille*. Like other malefactors, she was conducted upon a common cart to the place of execution. Her beautiful flowing hair was entirely cut off, and her

hands were tied behind her back. Besides her *déshabille*, she wore a very small white cap. Her back was turned to the horses. During her trial she wore a dress of a white and black mixture.

On her right, upon the cart, was seated the executioner; upon the left, a constitutional priest belonging to the metropolitan church of *Notre Dame*, dressed in a grey coat, and wearing what is commonly called a bob wig. The cart was escorted by numerous detachments of horse and foot. Henriot, Ronsin, and Boulanger, generals of the revolutionary army, preceded by the rest of the staff officers, rode before the cart.

An immense mob, especially women, crowded the streets, insulted the queen, and vociferated, "Long live the republic!" She seldom cast her eyes upon the populace, but beheld with a cold indifference the great armed force of 30,000 men which lined the streets in double ranks.

The sufferings which she sustained during her captivity had much altered her appearance, and the hair on her forehead appeared as white as snow. The queen, without anguish or bigotry, occasionally spoke to the priest seated by her side. Her spirits were neither elevated nor depressed; she seemed quite insensible to the shouts of "*Vive la République!*" She even evinced satisfaction in looking for the moment which might rid her of her miserable existence.

When she passed through the street called *Rue St. Honoré*, she sometimes looked attentively at the inscriptions of the words "Liberty" and "Equality" affixed to the outside of the houses.

She ascended the scaffold with seeming haste and impatience, and then turned her eyes with great emotion towards the garden of the *Thuilleries*, the former abode of her greatness. At half past twelve o'clock the guillotine severed her head from her body. She died in the 38th year of her age.

The executioner lifted and shewed the blood-streaming head from the four different corners of the scaffold; and the mob instantly vociferated "Long live the Republic!"

A young man, who dipped his pocket handkerchief in the queen's blood, and pressed it with veneration to

his breast, was instantly apprehended. Upon him were found the portraits of Louis XVI. and Marie Antoinette. The corpse of the ill-fated queen was immediately after buried in a grave filled with quick lime, in the church-yard called *de la Madelaine*, where Louis XVI. was buried in the same manner.

THE BRISSOTINE PARTY

IN THE FRENCH CONVENTION, 1793.

ON the 3d of October, 1793, Amar presented the report relative to Brissot, and the other arrested deputies, which was listened to with the most solemn silence, and a decree of accusation, in conclusion, passed against

Brissot,	Vallee,	Lasource,
Syllery,	De la Haye,	Deverite,
Fonfrede,	Liddon,	Andre (of Corsica),
Valaze Vatadi,	Lehardi,	Duperret,
Mainvielle,	Antibout,	Guadet,
Condorcet,	Constard,	Ducos,
Mazurier,	Vegee,	Gardier,
Rouyer,	Gensonne,	Boonet,
Doval (Lower Seine),	Doulcet,	Lacaze,
Noel,	Mollevant,	Savary,
Grangeneuve,	Duprat,	Borleaw,
Vergneaux,	Chambon,	Isnard,
Fauchet,	Fermont,	Benon,
Gamon,	Hardi,	Carra,

In the sitting of the 29th, the Jacobin club presented a petition to the convention, requesting that the trials might be terminated whenever the jury declared themselves satisfied with any part of the evidence brought forward. The convention granted this request, which was also backed by the president of the revolutionary tribunal. The jacobins solicited this decree, from an apprehension lest Brissot and his party should enter into too long a defence, and, by the power of their eloquence, make an impression upon the judges.

On the 30th of October, the act of accusation preferred against Brissot and his faction, was read in the tribunal, of which the following were the most important points:

Brissot was agent of police under the king. He began to make a figure in the revolution as a member of the committee of inspection of the commons of Paris, to which he was introduced by La Fayette, to whose service he prostituted his pen.

In the legislative assembly, Brissot coalesced with Condorcet and the principal deputies of La Gironde, who made use of their influence to cause war to be declared, at a time when our armies, our strong holds, were quite destitute, and to deliver them up to traitors.

Brissot, Vergniaud, and Gensonne, strove, by the most insidious discourses, to prevent the dethronement which all the French citizens, united at Paris by the title of federates, loudly demanded.

Petion, in the night between the 9th and 10th of August, was with Louis XVI., held conferences with his courtiers, and visited the posts of the satellites assembled to butcher the people. He also sent a messenger into the sections, to exhort them to be still and inactive.

Brissot had given the king counsels pernicious to liberty, which is proved by a letter in his own hand-writing, addressed to Louis XVI.

Kersaint and Bouyer, partisans of the same faction, wrote to Louis XVI. two letters of a similar tenor, found among the papers in the Thuilleries: and they even solicited the place of ministers or counsellors to the king.

Brissot, in his speech upon the forfeiture of royalty, July 26, 1792, inveighed strongly against the republic, and conjured the sword of the law upon the heads of those who should attempt to establish a republican government upon the ruins of the constitution; yet, in the month of March, 1792, when France owned constitutional authority, Brissot and Condorcet kept a journal entitled "The Republican."

On the 10th of August, when the king came to the assembly to denounce the people, whose massacre he had prepared, Roederer made a speech, in which he accused the people, and appealed to the law. Vergniaud applauded that speech, ordered the people to be silent, and accused them of constraining the liberty of opinion.

Kersaint interested the convention in favour of Mandat, commandant of the national guards, who had first fired upon the people.

Ribaud St. Etienne, Rebecqui, Duprat, and Antidoul, carried the torch of sedition into the department of Legard and the neighbouring departments. Biroteau, Rouger, and Roland, projected their terrible plots in Lyons, where they poured the ample stream of patriotic blood, by attaching to the friends of their country the appellation of anarchists and monopolizers.

The measures of the conspirators are exactly similar to those of the enemies of France, and particularly of the English. Their writings differed in nothing from those of the English ministers, and libellers in the pay of the English ministers.

Santhopax and Polverel, the guilty commissioners, who ravaged the colonies with fire and sword, are their accomplices. Proofs of their corruption exist in the correspondence of Raimond, their creature.

Of the numerous facts of which the faction are accused, some

relate only to particular individuals: the general conspiracy, however, is attached to all.

From this act of accusation it resulted that,

I. There existed a conspiracy against the unity and indivisibility of the republic, the liberty and safety of the French people.

II. That all the individuals denounced in the act of accusation are guilty of this conspiracy, as being either the authors of, or the accomplices in it.

The jury of the revolutionary tribunal, to whom these facts were submitted, brought in their verdict at eleven o'clock at night, pronouncing all the prisoners *Guilty*.

On the following day, Brissot, and twenty other deputies, suffered under the axe of the guillotine. The following was the official report published by order of the revolutionary tribunal on this head :

The tribunal, on the declaration of the jury, stating, "That Brissot, Vergniaud, Gensonne, Duprat, Valaze, Lehardi, Ducos, Boyer, Fonfrede, Boileau, Gardien, Duchastel, Syllery, Fauchet, Duperret, La Source, Carra, Beauvau, Mainville, Antibgul, Viget, and Lacaze, are the authors or accomplices in a conspiracy which has existed against the unity and indivisibility of the republic, against the liberty and safety of the French people : ---condemns the above-mentioned persons to death ; declares their effects confiscated for the use of the republic, and orders that the sentence be executed in the place *de la Revolution*, and that it be printed and distributed throughout the republic."

Valaze, one of the condemned, stabbed himself after he had heard his sentence. The tribunal ordered, that the carcase of the suicide should be brought to the place *de la Revolution*, to be buried with the other condemned deputies.

These conspirators, even while under the axe, cried out, *Vive la Republique!* Duchastel, Ducos, Boyer, Fonfrede, and Le Hardi, were particularly distinguished by their firm and intrepid behaviour. Brissot was silent, but he appeared as if he wished for a new plot. Syllery did not forget his part of a courtier ; he bowed low to the people, and had a confessor. The prelate, Fauchet,

died like a bishop, discoursed very seriously with his confessor. Carra, died as he would have died at Maçon, where he was formerly convicted of theft, but was pardoned on account of his youth. La Source, a minister of a Protestant church, died like a grey penitent. In short, all the time required to cut off the heads of these criminals, was thirty-seven minutes.

On the 3d of October, Billaud Varennes addressed the following motion to the convention: "Let us not forget one man, whom every sentence of the report accuses of the most criminal intentions. I move that Philippe Egalité be comprised in the decree of accusation which delivers all the conspirators to the revolutionary tribunal of Paris." The motion was received with great applause, and accordingly, on the 6th of November, the duke underwent an examination before the revolutionary tribunal. He was questioned respecting his intimacy with Syllery, the deputy lately executed, when he answered, "I was attached to Syllery until the moment that I suspected his patriotism; when I did so, I refused any longer to see him." "You have nevertheless," said the president, "committed the care of your children to his wife, who is now with them abroad." "Yes," answered Egalité, "but that was at a time when I had no cause to suspect Syllery."

After other frivolous charges, equally rebutted, he was condemned to death at the same sitting at which he was tried; but with a view to avoid his fate, he promised to make a great number of discoveries, and his execution was in consequence suspended for some hours; but when he found there was no possibility of escaping, he acknowledged that he was the author of the events of the 5th and 6th of October, and that all his machinations tended to revenge himself on a family, whose destruction he had sworn, but whose spoils he never wished to share. He impeached a great number of individuals, particularly Brissot, Dumourier, Marat, and Robespierre, as his agents, and the latter, had great difficulty in extricating himself on this occasion.

The orders to conduct the duke to Paris had been given to two Parisian citizens, Hosto and Marchais. The former was a captain of national guards of the

section of the Thuilleries; the latter, a captain of the revolutionary army.

Arrived at Marseilles, they showed their orders to Orleans, who was seemingly in great consternation. He appeared much surprised that the instructions stated that troops should be appointed to conduct him to Paris; but the two officers used every persuasion which could inspire him with courage and confidence. "You are only summoned to Paris," said they, "to appear before the revolutionary tribunal, which will acquit, and enable you to resume your seat in the convention." "Are the people," asked Orleans, "well disposed towards me?" "Nay," answered the officers, "they not only love you, but they adore you as their idol." "It requires no troops," said he, "to bring me to Paris; I will proceed thither with the utmost confidence."

He seemed to suffer much when he parted from his two sons, Anthony Philip, aged 18, and the youngest, 14 years of age. They intreated him to write to them immediately after his arrival at Paris. His treatment in the prison of Marseilles was very severe, and he suffered many rigorous privations and hardships.

On his way to Paris he displayed his former turn for mirth and conviviality; drank very freely, and, as his guards said, grew lustier every night, as he proceeded. He even amused himself with fencing with one of the guides. "Your mode of fencing," said he to the captain, "delights me much; I'll give you my two sons to be your pupils."

The officers having told him on the road, that the queen had been executed, he answered—"Ah! citizens! she was a great and flagitious wretch." On their acquainting him with the execution of Brissot, and the twenty deputies, he testified great joy, and loudly exclaimed at different times, "*Vive la Republique!*"

His removal to Paris was managed very privately. On his arrival in the environs of the metropolis, he had his beard shayed, his hair dressed, and put on a fine suit of linen clothes. "Now," said he, "I'll make a decent entry into Paris."

With what fortitude he heard his sentence, has already been stated. The president of the tribunal having asked him if he had any thing to say why the sentence

of the law should not take place, he answered—"No—I have no more defenders."

His execution was ordered for Thursday, November 7th, but, by his own request, he was beheaded on the same day on which he received his doom.

He refused the administration of a priest, and spent the few hours he had to live in dressing himself. At two o'clock in the afternoon, on the 6th of November, he received sentence, and at half-past three the same day, the executioner arrived with the cart before the Conciergerie. The streets were crowded with more people than at the execution of Louis XVI. and that part of the mob, among whom he had formerly distributed his money, insulted him in the grossest terms.

When he reached his palace, the cart stopped for three minutes, either designedly, or on account of the great crowds of people. He cast his wistful eyes upon that superb mansion, while the mob called out, "Look, look, 'tis for the last time."

On the scaffold he attempted to harangue the people, but the shouts drowned his voice. At half-past five his head was struck off; the executioner showed it twice or thrice on each corner of the scaffold, while the mob incessantly vociferated, "Bravo! bravo! *Vive la République!*"

Thus perished Louis Philip Joseph Egalité, late Duke of Orleans, first prince of the blood, and lieutenant-general of the French forces by land and sea. He was born at St. Cloud, April 13, 1747. Previous to the revolution, he was the richest private man in Europe: and in his youth he was a private friend of the Dauphin, afterwards Louis XVI.

Brissot, to whom a nation once looked up for advice and assistance, was the son of a pastry-cook, of Chartres. After having received an ordinary education, he visited Paris, and applied himself closely to study. Soon after this he visited England (in 1782), and examined, with a curious and critical eye, the fabric of her constitution and government. During his residence in this country, he published "An Inquiry into the Principles of Criminal Law." In addition to this, he drew up "A Political and Literary Sketch of the present State of Great Britain," and also, "An Account

of the British Settlements in the East Indies." In 1784, he returned to Paris; but he had not arrived there many hours before he was arrested, and carried to the Bastile. This event happened on the morning, when all the inhabitants were on the tip-toe of expectation to see the Abbé Miolan ascend in a balloon. After a short but rigorous imprisonment, he at length found means to persuade M. Lenoir of his innocence; and, notwithstanding the enmity of the Count de Vergennes, and the menaces of the Baron de Breteul, he was once more restored to liberty. By a strange, unaccountable, and even fantastical reverse of fortune, it happened, that Brissot, at the expiration of five years after his liberation from the gloomy dungeons of the Bastile, was elected president of the district *des Filles St. Thomas*, at Paris, and was actually officiating in this capacity on the 14th of July, 1789, when the keys of that gaol were presented to him on the point of a sword. While the first assembly was preparing a constitution, Brissot was on his voyage to America, in order to ascertain the political principles on which the welfare of that republic was built. On his return to his native land, he was elected a member of the legislative assembly. He looked upon the cruel massacres of the 2d and 3d of September, to be a national disgrace; and, in the punishment of the culprits, he demanded a public expiation for crimes, hitherto unknown in any civilized age or country. This was the weight that pulled him down; hence, perhaps, it may be fairly said, that he was indebted to his abilities for this elevation; but that his fall he owed entirely to his virtue!

WILLIAM SKIRVING, MAURICE MARGAROT,
AND JOSEPH GERALD,
FOR SEDITION, 1794.

WILLIAM SKIRVING, late tenant in Damhead, designing himself, of Strathrudie, residing in Edinburgh, was accused, at the instance of his Majesty's Advocate, of circulating, or causing to be circulated, a seditious writing or paper; dated "*Dundee Berean Meeting-*

house, July, 1793," the same hand-bill for which Mr. Palmer was sentenced to transportation. He was further charged with having been a member of a society denominated, "Friends of the People," which met at Edinburgh, Oct. 4, 1793; and of having then composed or written, or caused to be composed or written, a seditious and inflammatory hand-bill, calling upon other seditious associations to convocate together, and holding out threats against those who might counteract their seditious proceeding; or, at least, that he did recommend and approve of the said hand-bill, which, amongst other things, contained passages, calling upon different denominations of the people, in its own language, all the *rabble*, to demand, with the firm and energetic voice of justice, the peaceable restitution of their rights. This hand-bill also contained the thanks of the meeting to Mr. Skirving, for having invited societies to join in the common cause.

The libel further stated, that, in consequence of this hand-bill, a meeting was held at Edinburgh in October, which presumptuously and seditiously arrogated to itself the name of "the British Convention of the Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments," and that the members of this association did, in October, November, and December last, in imitation of the French convention, call each other by the name of citizens; divide themselves into sections; appoint committees of various kinds, such as, of organization, of instruction, of finance, and of secrecy; denominate their meetings, sittings; grand honours of sittings; and inscribe their minutes with the first year of the British convention.

And the said meeting came to various seditious resolutions.

The said William Skirving was further charged with having made the following motions:—

That the convention express its ardent desire to cultivate a more close union with the societies in England.

That an address to the public should be drawn up by the committee of union.

That a committee of finance be appointed.

That the delegates from the country, who may run short of money by the prolongation of the business of the convention, shall be supplied by the treasurer.

That all the members, both of the convention, and of the primary societies, should subscribe a solemn league and covenant.

He was further charged with having been present at a meeting in Blackfriars Wynd, upon the 5th of December last, where the members resisted the authority of the magistrates, who ordered them to disperse. (A similar charge was made for having resisted the magistrates and sheriffs the following night, when attempting to dismiss the said society met in St. Patrick's square.)

The libel further charged William Skirving with having attempted to convene a meeting of the "Friends of the People," in the Cock Pit, Grass-market, on the 12th of December last, contrary to the proclamation of the magistrates and sheriff.

The libel concluded, that all, or part thereof, being found *proved* by the verdict of an assize, William Skirving ought to be punished with the pains of law.

When the indictment was read over, he was asked by the lord justice Clerk, whether he was guilty or not guilty? To this he answered, "I am conscious of no guilt, my lord."

He conducted his defence very ably, without the assistance of agent or counsel; and, after a long trial, was found guilty of sedition, and sentenced to fourteen years' transportation.

After the verdict was recorded, and before sentence was passed, the panel addressed the court. He said, by an unlucky accident, he had been deprived of counsel yesterday on his trial, but had this morning received, by post, what he had expected, viz. the opinion of English counsel on his trial; and although it had arrived in some degree too late, yet even at this period it might not perhaps be altogether useless. He then stated the opinion of the English counsel to be, that the indictment was illegal, in so far as it charged him to be guilty art or part of the crime libelled. On such a charge as this, he was informed, no legal trial could proceed. He also stated, that, to this hour, although he had often asked, he had never yet been informed what sedition was.

When their lordships delivered their opinions as to what punishment should be inflicted, they also took cognizance of the opinion of the English counsel, of whom

they said, that, however versed he might be in the law of England, he was grossly ignorant of the law of Scotland, else he would have known that there was a special act of parliament authorising the charge of art and part.

After sentence was pronounced, the panel addressed the court, saying, the sentence did not at all appal him; that he had long since learned to throw aside all fear of man; but this sentence would be rejudged, and that was all his comfort and all his hope.

Mr. Margarot was charged with the same offence, as delegate of the Corresponding Society, of London.

On the day of his trial, the lord provost and magistrates followed up their proclamations, by assembling an immense body of officers and others to keep the peace: they issued an order that no hackney-coaches should ply in the streets; and on the 13th, in the morning, the lord provost appeared at the head of the force collected to disperse any tumultuous cavalcade that might accompany Mr. Margarot to the court.

About ten o'clock, Mr. Margarot and his friends appeared, surrounded by a multitude of people, all on foot, and ranged in rank and file, bearing a white flag, on which were inscribed these words, *Law, Liberty, Reason, Justice, and Truth*. The mob had no weapons of any kind, and were perfectly quiet. As soon as they made their appearance, entering the bridge from the new town, the provost and his cavalcade marched forward to meet them, and the two bodies met on the bridge. The magistrates immediately seized the flag, dispersed the multitude, took some of the most forward of the mob into custody, and then proceeded to the parliament-house, with Mr. Margarot and his friend Mr. Brown, where they left him to take his trial, while they proceeded to hold a council to deliberate on what further steps they should take for the preservation of the peace.

The trial commenced immediately. Mr. Maurice Margarot was accused of different seditious practices; he conducted his own defence: the court over-ruled all the objections which the prisoner made; his challenges of the jury were resisted; and every preliminary motion being set aside, the jury were impanelled.

The trial lasted till three o'clock on Tuesday morning, when the jury found a verdict of *Guilty*, and sentence of transportation for fourteen years was passed upon him.

On the 10th of March, 1794, came on the trial of Joseph Gerald, esq. late of Bloomsbury-square, London, for the same offence. The accusation, at the instance of the lord advocate of Scotland, charged him with being a member of a seditious association, called "The British Convention," which met at Edinburgh, in November and December, the preceding year; and that, on the 21st and 28th of November, he made addresses of a seditious nature to the members of the said convention. (*These speeches were given at length in the indictment*). The indictment also charged Mr. Gerald with being present in the convention when the magistrates and sheriff went to disperse the members.

When the court met, before the libel was read over, Mr. Gerald objected to the lord justice Clerk sitting on the bench. Upon this his lordship rose, and lord Henderland took the chair.

Mr. Gerald then presented a written minute, containing the specific objections to his lordship's sitting on the bench, and the facts which he offered to prove in support of these objections:—They were, that his lordship had prejudged his cause, inasmuch as, some time since, when in the house of Mr. Rothead, of Inverleith, he said, "What would they think of sending Margarot to Botany Bay, and giving him a whipping also?" This minute he desired might be entered on the records of the court.

Their lordships in general were of opinion, that the objection was not well founded, for the words alluded to were merely part of a conversation at table; and could any man suppose, that such language could have any influence upon a judicial procedure? Would it be proper to give force to such a charge, founded on a few loose words, and not at all connected with the proceedings of the court, nor delivered in the capacity of a judge? If such objections were to be tolerated, they might be attended with the most dangerous consequences. It was throwing an indignity upon the court, and was intended as a foul aspersion upon the character of

that respectable and learned judge, who was vice president of the court, and who added honour to the bench. Suppose that such words really had been spoken, how could they tend to prejudice the cause of Mr. Gerald, when it remained with a jury to try him? One of their lordships remarked, that the charge against the defendant, if true, was highly aggravated by the ill-founded charge he had now made upon that respectable judge; and, if a verdict were found against him by the jury, *he would not say but he might consider fourteen years' transportation as too small a punishment to be inflicted.* In the case of Mr. Margarot, he hesitated much whether fourteen years ought to be the punishment, or whether one more severe should be imposed; for he considered the conduct of that person, in the course of his trial, as highly reprehensible. The accusation which the defendant now made, might originate in malice.

Their lordships resumed the consideration of the objection, and were of opinion that it was irrelevant, and ought to be rejected. Upon this, lord chief justice Clerk was called to the chair. The indictment was then read over, to which the defendant pleaded—*Not Guilty.*

Mr. Gillies then addressed the court in defence of Mr. Gerald.

On the 13th, the high court of judiciary met agreeable to adjournment, and proceeded on the trial of Mr. Gerald, for sedition.

The pleadings on both sides continued till eleven o'clock at night, during which Mr. Gerald defended himself with extraordinary eloquence and ability.

The jury withdrew, and brought in a verdict next morning at eleven o'clock, unanimously finding the panel *Guilty*; when the lords passed sentence of banishment beyond seas for fourteen years.

Mr. Gerald was about thirty-four years of age. He was born in the West Indies, where he inherited considerable property. His first residence in England was with Dr. Parr, with whom he remained for a number of years. When he left the care of his learned instructor, he returned to the West Indies, where he very soon afterwards married.

Skirving and Gerald died before the expiration of the term, but Margarot lived to return, and was provided for by a public subscription.

WILLIAM BUTTERWORTH AND
FRANCIS JENNISON,

FOR MURDER, 1794.

AT the Hants assizes, August, 1794, William Butterworth and Francis Jennison, two convicts at Cumberland Fort, were tried before Mr. Justice Grose and Mr. Baron Thompson, for the murder of Mr. John Groundwater, one of the persons deputed to superintend them.

On being reprimanded by Mr. Groundwater, who threatened to report them for ill behaviour, they swore that they would rip his bowels out; and were heard by another of the convicts debating about the manner of perpetrating the murder. Accordingly, about six in the evening of the same day, they fell upon him with two iron shovels, with which they had been at work in spreading gravel, and with which they gave him three such wounds on the skull, that his brains fell out in the quantity of a double handful. They then struck down one of the shovels upon his neck, with intent to sever the head from the body, but, striking against the bone, it had not the intended effect. The rest of the convicts ran to the spot, and one of them caught hold of Butterworth, to prevent his mangling the body any further; but, after a struggle, he disengaged himself, ran back to the unfortunate sufferer, and, catching up the spade again, gave him several blows, saying, "There, d—n him, I have done him out and out." When remonstrated with for his inhuman conduct, he replied, *that he was transported for life, and he would rather be hanged than suffer that sentence.*

It was a most extraordinary circumstance, established on the evidence of Mr. Hill, surgeon, who attended him, that Mr. Groundwater lived eighteen hours after he had received these severe wounds, notwithstanding the brains had fallen out, and a prodigious effusion of blood had taken place. He never spoke after the second blow was given him, but the action of the pulse was

strong, and respiration continued the whole of the eighteen hours before mentioned.

Butterworth was only nineteen years old; and his companion twenty-five. The publicity of the deed and consequent clear evidence of their guilt, would not admit of their setting up any defence. The jury pronounced them *Guilty*: they were sentenced to be executed in three days after, in Lanston Harbour, and their bodies to be afterwards hung in chains in Cumberland Fort. The execution took place about twelve o'clock, when the remainder of the sentence was carried into effect near the spot where the murder was committed.

From the confession of the prisoners, it appeared, that though very young, they had committed a great many robberies, and had lived by depredations on the public almost from their childhood. The eldest received sentence of death for a burglary at the summer assizes at Derby, but was reprieved on condition of serving on board the hulks for life. Butterworth had also been capitally convicted for a similar offence at the assizes at Maidstone, and received a reprieve on the same condition; they had not been on board the hulks more than seven days, when they resolved to destroy Groundwater.

ROBERT WATT AND DAVID DOWNIE, FOR HIGH TREASON, 1794.

MR. KNAPP read to the jury the heads of the indictment, particularizing the different overt acts of treason of which the prisoner Watt was accused.

Mr. Anstruther followed, and proceeded to lay before the court and the jury, the case which was to be proved. Such, he said, was the peculiar happiness of this country, that we had been unacquainted with the law of treason for nearly half a century. It was not his intention, if he possessed the powers, of inflaming their passions against the prisoner; his object was to give a plain, a dry narrative of the facts, and a succinct statement of the law. The laws of treason were now the same in England and Scotland, and the duty of the subjects of both kingdoms should be the same. Scotland, in this instance, had reaped much benefit by the

Union, as her laws of treason, previous to that period, were much more severe. The act of Edw. III. stated three distinct species of treason: 1. Compassing and imagining the death of the king. 2. Levying war against him. 3. Assisting his enemies. He would not trouble the court or jury with the two last: the single species of treason charged in the present case, was the compassing and imagining the death of the king; which was defined by the conceiving such a design; not the actual act, but the attempt to effect it. But the law which thus anxiously guarded the sovereign, was equally favourable to the subject: for it does not affect him until that imagination is fully proved before "men of his condition." An overt act of treason is the means used for effectuating the purpose of the mind: it is not necessary to prove a direct attempt to assassinate the king: for the crime is the intention, and the overt act the means used to effectuate it. He wished not that these sentiments might be held as the opinion of counsel: they were founded on the construction of the ablest writers, chief justices Foster, Hale, &c.; and, whatever could be proved against the prisoner, which may endanger the king's person, was an overt act of high treason, in the language of the ablest writers.

The present conspiracy was not that of a few inconsiderable individuals: it had risen from small beginnings; from meetings for pretended reform. It had been fostered by seditious correspondence, the distribution of libellous writings, and had, at last, risen to a height which, but for the vigilance of administration, might have deluged the country, from one end to the other with blood. The proceedings of these societies, calling, or rather miscalling, themselves "Friends of the People," were well known; their first intention was apparently to obtain reform; but this not answering to their purpose, they proceeded to greater lengths. He meant to detail the general plans and designs formed among the seditious, and then to state how far the prisoner was implicated in them. The first drawing of this daring plan was in a letter from Hardy, secretary to the London Corresponding Society; to Skirving, the secretary to the "Friends of the People" here. He writes,

that as their petitions had been unsuccessful, they must use separate and more effectual measures. Skirving answered, and admitted the necessity of more effectual measures; that he foresaw the downfall of this government, &c. Here also was the first notice of a convention; a measure which it is no wonder they were fond of, when they saw its effects in a neighbouring kingdom. They meant not to petition parliament, but to proceed in their own plan, and supersede the existing government of the country; and, in that case, the king's life was put in danger. Soon after, a convention, a body unknown to the laws of this country, met; and in this there would have been but little harm, had their views been peaceable; but their objects were avowedly unconstitutional, and their intention to carry on their plans by force, and thus virtually to lay aside the prerogative of the king. This convention accordingly met, using all the terms, regulations, &c. adopted by the convention of another country, in which, it might be said, there was in reality little harm, but it was surely a marking proof of their designs.

Since September 1793, their correspondence has ceased. Previous to that period, the prisoner was not a member of the society of Friends of the People, nor of the British Convention, but his subsequent accession to its measures, and the calling of another convention, could be substantiated. The convention, indeed, though dispersed, did not cease to exist. In fact, a committee of correspondence, of which the prisoner was a member, was instituted, the object of which was, to carry into effect the views of the last British Convention, and to elect delegates to a new one. Mr. Watt attended this committee, and coincided in its measures, which were expressly to supersede the legislature. The prisoner had moved for a Committee of Union, and another was appointed called the Committee of Ways and Means, of both which he was a member. This last was a secret committee, kept no minutes, was permanent, and empowered to collect money to support "the great cause." Mr. Downie was appointed treasurer, and it was to be the medium through which all instructions and directions were to be given to all friends of the people

throughout the kingdom, and was to procure information of the number of those that would spare no exertions to support the "great cause." They corresponded with Hardy, respecting the calling of a new convention, which was to follow up the purposes of the old one; and, as the prisoner was present, he was in this way coupled with the British Convention. Their next attempt was to debauch the minds of the soldiers, and to excite them to mutiny; for which purpose a paper was printed and circulated among a regiment of fencibles then at Dalkeith. This paper, which was evidently seditious, would be brought home to the prisoner, for the types from which it was printed were found in his house, and a copy was traced from him into the hands of a soldier.

The next charge to be brought against the prisoner, and the committee of which he was a member, was a distinct and deliberate plan to overturn the existing government of the country. The plan produced was this:—A fire was to be raised near the excise-office, (Edinburgh), which would require the attendance of the soldiers in the castle, who were to be met there by a body of the Friends of the People, another party of whom were to issue from the West Bow, to confine the soldiers between two fires, and cut off their retreat. The castle was next to be attempted: the judges, (particularly the lord justice Clerk) were to be seized; and all the public banks were to be secured. A proclamation was then to be issued, ordering all the farmers to bring their grain to market as usual, and enjoining all country gentlemen to keep within their houses, or three miles from them, under penalty of death. Then an address was to be sent to his Majesty, commanding him to put an end to the war, change his ministers, or take the consequences. Such was the plan of the committee of Ways and Means, as proposed by the prisoner. Previous to this, it should have been mentioned, that all the Friends of the People were to be armed; for which purpose, one Fairley was dispatched round the country to levy contributions, and disperse seditious pamphlets; for which purpose, he got particular instructions from the prisoner. Reports were spread, through the same channel, that the Goldsmith's Hall Association were arming, and that it was necessary for

the Friends of the People to arm also, for they would be butchered either by them or the French. It would be proved, that the prisoner gave orders to Robert Orrock, to make 4,000 pikes; and also orders to one Brown for the same purpose. These were to be used for completing the great plan: and Fairley's mission was to inform the country of this great plan. Another representative body was also formed, called "Collectors of Sense and Money," who were to have the distribution of the pikes, and to command the different parties. In one instance, a person had been desired to carry some pikes to the collectors, who made answer, that he could not do it, for the collectors were not to be trusted yet. Mr. Anstruther then recapitulated, shortly, the different heads, and concluded an elaborate and most clear and distinct pleading, of more than two hours and a half, by requesting the jury to lay no farther stress on what he had said than it should be proved, as it was meant merely as a clue to the evidence which should be brought before them.

The first witness called was Edward Lauzon, king's messenger. Upon being asked if he was employed last summer to search the house of one Hardy, in London, he said,

That he seized several papers in Hardy's house, particularly a letter signed by one Skirving, and several others; also a printed circular letter, signed, "T. Hardy, Secretary." These letters the witness produced.

Mr. William Scott, Procurator Fiscal for the shire of Edinburgh, gave an account of the seizure of Skirving's papers in December, 1793, and of the after-disposal of them. He produced several of these papers, particularly one entitled, "Minutes of Debate in the General Committee;" also several papers that were found in the lodgings of Margarot, Gerald, and Sinclair. Mr. Scott swore to his being present at the dispersion of the convention.

The letter by Skirving and Hardy being authenticated by Mr. Lauzon, who swore he found it in Hardy's possession, was then read by Mr. Knapp.

John Taylor, of Fleet-street, London, was then called. He swore he was a member of the London Corresponding Society, and was acquainted with Mr. Hardy, who was secretary to that society. Being shewn several letters and papers, he believed them to be Hardy's hand-writing. The society consisted of several divisions, about fourteen, he thought, in number; there were several committees, particularly a general one, which consisted of a member from each division, a committee of secrecy,

and a committee of emergency. The latter was formed in May last. He attended a general meeting of the society at the Globe Tavern, on the 20th of January last; about 1,000 were present. So great was the crowd, that the floor gave way, and the meeting adjourned to the assembly room, where the secretary read the resolutions from the orchestra, which were afterwards printed. An address, founded on these resolutions, was then carried by a shew of hands. One of the resolutions was, that the motions of parliament were to be watched over, and if troops were brought into the country, or the *habeas corpus* act suspended, &c. that force ought to be repelled by force.

This witness produced a copy of these resolutions which he got from a person of the name of Moir, in the presence of Hardy. He saw several other copies about the room. The witness was also present at another meeting held at Chalk Farm, on the 14th of April last. The meeting was of the same nature as the former. There were about 3000 persons present, and among others Mr. Hardy.

Henry Goodman, clerk to Mr. Wickham, London, was present at the meeting at Chalk Farm, and heard the resolutions read. The resolutions now shewn to him were, as far as he recollected, the resolutions passed at the meeting. He understood that it was the intention of the society to arm themselves to protect the members, in the same way that the national convention of France had been protected by the citizens of Paris; and that he heard this talked of in different meetings.

Alexander Atchison was a member of, and assistant secretary to, the British Convention, and wrote part of their minutes. He deposed, that the papers now shewn in court to him, he had often seen before; that he took down the minutes as accurately as he could; that he recollected Mr. Callender making several motions in the convention, and particularly an amendment to a motion which was referred to a committee. This amendment was read. It related to the agreement in the convention to continue permanent, and watch over the motions of parliament, &c. &c. That he knew Mr. Watt, the prisoner, and was, together with him, a member of the Committee of Union. That committee met in January last, the convention being previously dispersed in December. The purpose of this committee was to keep up a spirit of union among the friends of reform, and that he was sent there by the division of Cannongate. The great object of the committee was to obtain the same kind of reform sought for by Mr. Pitt and the Duke of Richmond, about twelve years ago. That he was a member also of the Committee of Ways and Means, which was instituted for the purpose of paying past debts, and to defray the expense of future delegates to another convention to be held somewhere in England, which second convention was meant for the same purpose as the British Convention, namely, obtaining the reform first proposed by Pitt and Richmond. That he has often had conversations with different persons on the subject of reform; that he recollected having seen a pike in the house of George Ross, in the presence of several blacksmiths,

which was shaped like the head of a halbert. Being asked, whether he ever gave a different account of what he had now sworn to, at any other place, he believed he never had; if he had, must be contrary to truth, and this he would say, though he should be guillotined for it.

George Ross authenticated the minutes of convention, and other papers; knew the prisoner at the bar, and had seen him at his own house.

Mr. Sheriff Clerk deposed as to the pikes being brought from Watt's, and the fount of types, of which he had got an impression taken in the precise state they came from Watt's house.

[*Paper read—An Address to the Fencibles.*]

James Sommerville, a printer, deposed as to the working off the impression from the types.

William Watson, at Dalkeith, once saw Watt at his own house, but could not say whether the prisoner at the bar was the man. Remembered a fencible regiment in Dalkeith, which was about the time he met with Mr. Downie, who carried him to Watt's, to get a hand-bill about the fencibles, which he had heard of, and was curious to see; but could not get it there; and went to one Kennedy on the south bridge, from whom he had several copies.

Arthur M'Ewan, weaver at Water of Leith, a member of the British Convention, and also of the Committee of Ways and Means, of which last, Watt was a member, deposed, that, at one of their meetings, Watt read a paper, proposing to seize the judges, banks, &c.; to decoy the soldiers by a fire, &c. but did not know what was to be done with the persons seized, nor whether it was to be done in the day or night. Commissioners were to be appointed to take charge of the cash, but knew not what was to follow this. Deposed as to the proclamation to corn-dealers and country gentlemen, and the address to the king to put an end to the war, &c. Watt asked him to accompany him to Orrock's, to whom he (Watt) gave orders to make pikes as fast as he could, as he had 4000 to send to Perth, besides what he had to distribute in Edinburgh. Orrock made a draught of one: a gentleman's servant asking what was their use, was told, that they were for mounting a gate. Knew that Fairley was sent into the country, and had visited a number of places; that he reported Paisley to be in a state of great readiness, but did not know what that meant. The witness disapproved of these proceedings, and would consent to nothing that would disturb the peace, or shed the blood of his countrymen; and he thought the plan proposed would have that tendency. Watt produced, at one of the meetings, a paper containing what was called fundamental principles, which he knew but little of.

William Bonthorn was a member of the society of the Friends of the People, but had resolved to withdraw, as things had passed which he disapproved of. Watt, at one of their meetings, read a paper, of which he did not remember the particulars, as it confused him. The paper contained something about seizing the castle, raising an alarm by fire, &c. upon the supposition that numbers could be got to assist them. Remembered nothing of particular

persons being intended to be seized; but thought the banks were mentioned; this paper frightened him much; it mentioned also the seizing the guard-house; recollected no numbers that were mentioned to carry this plan into effect. M'Ewan shewed an opposition to it. The circular letter of the committee was written by Mr. Stock.

Mr. Sheriff Clerk deposed as to the finding sundry papers in Watt's house; one the drawing of a pike, and the paper sworn to by Atchison in the sub-committee.

John Fairley, wright, at Broughton, a delegate to the convention, deposed that his constituents met after the dissolution of that body. Heard that pikes were making, and Watt informed him of this, or rather shewed him one. Watt said, that they were only intended for self-defence, and that none were to get them but those who applied and paid for them. Measures of government might drive them to despair, and cause bloodshed; but Watt said, he hoped there would be none, as the obnoxious or active against the cause of the people would be imprisoned. The soldiers would be glad of freedom, and deputations might be sent them. Watt proposed to shew the arms to the collectors, which the witness objected to as hazardous. In going to the west country, a parcel was left for him by Watt, containing papers for distribution; which he left at Stirling, St. Ninion's, Kirkin-tulloch, Glasgow, Paisley, &c.

On his return to Edinburgh, he went to the Committee of Ways and Means; that Watt, Downie, and M'Ewan were there, to whom he reported the result of his journey. Returned the instructions to Watt; they mentioned, he recollected, something about a plan, and Britain being free. Downie paid him the expences of his journey.

Dr. Forrest, at Stirling, gave an account of Fairley's calling on him, shewing him his written instructions, &c. In these instructions there was a blank, which he supposed was to be filled up "arms." Shewed him the figure of a weapon like a halbert, which was preparing for defence, and that these weapons could be furnished by a person who he understood was about Edinburgh. Something passed about arming the people and disarming the soldiers.

Robert Orrock, smith, first heard arms mentioned in G. Ross's house, in March last. In April, Watt applied to him to make a pike, and he brought one to Ross's, where Watt and other members of the committee were, and he left it at Watt's desire. In May, Watt desired him to make more of the same pattern, and some of a different kind. While making them, a person (Martin Todd) called and shewed a form of a pike, which he refused to make. Brown also called, and told him he was making pikes for Watt, and that 1000 were wanted; but spoke of this as a secret, which alarmed the witness. The extent of his order was five dozen, which were ordered by Watt, but paid for by Downie. He was told, if enquired about, to say they were for the top of a gate; never had an order for pikes before; but had made one for his own defence, without being employed by any person.

Martin Todd, smith, deposed as to calling on Orrock, to enquire about the pikes.

William Brown, smith, said one Robertson called on him to bespeak several spears of a particular shape, for Watt, and, at another time, he made fourteen spears for Mr. Watt, like mole spears. Recollected the conversation with Orrock, but did not say that such a number of pikes would be wanted.

John Fairley was re-examined, at his own desire. He recollected Watt saying, that the banks and public offices were to be seized. The most active against them were to be imprisoned, and couriers sent to the country to announce this. The magistrates of Edinburgh were particularly spoken of.

Walter Miller, Perth, sent money to Downie, for relief of distressed patriots in the cause of reform; never had authority for supposing that the new convention had any object but reform by legal means.

Here the evidence of the Crown was closed.

Watt's Defence.

Mr. W. Erskine, junior counsel for the prisoner, said, that as the court had sat so long, he would not trouble them with many words. He would rest his defence upon the correspondence carried on between the right hon. Henry Dundas, the lord advocate, and the prisoner, by which it would appear, that he had attended the meetings of the Friends of the People, with no other view than a design to give information of their proceedings. A letter from the prisoner to Mr. Secretary Dundas was read, which stated in substance, that, as he did not approve of the dangerous principles which then prevailed in Scotland, and was a friend to the constitution of his country, he thought it his duty to communicate to him, as a good subject, what information he could procure of the proceedings of those who styled themselves Friends of the People. From an acquaintance with several of the leading men among them, he flattered himself he had this in his power; and then went on to mention some of the names of those leading men in Perth, Dundee, and Edinburgh. In the first of these places, he said, he had been educated, and had resided in the two last for a considerable number of years. It concluded with enjoining secrecy.

To this letter an answer was returned, which was also read. It acknowledged the receipt of Mr. Watt's letter, and, after expressing a hope that things were not so bad as he represented, desired him to go on, and he might

depend upon his communications being kept perfectly secret. Another letter from Mr. Dundas to Mr. M'Ritche, the prisoner's agent, was next read, in answer to one from Mr. M'Ritche, requesting of Mr. Dundas what letters he had of the prisoner's. The answer stated, that all the letters he had received from Mr. Watt had been delivered to the lord advocate.

Mr. Sheriff Clerk authenticated the letter of Mr. Dundas.

The lord advocate being sworn, in exculpation, he gave a distinct account of the transactions which he had had with the prisoner. He had conversed with him several times at his own lodgings; and he had at one time given him some information which he thought of importance. This was respecting the disaffection of some dragoons at Perth, which, upon inquiry, turned out to be ill-founded. In March, 1793, his lordship said, an offer had been made to him to disclose some important secrets, provided he would give the prisoner 1000*l*. This he absolutely refused.—However, some time after, the prisoner having informed him that he was much pressed for money to retrieve a bill of 30*l*., his lordship, who was then in London, not wishing he should be distressed for such a small sum, sent him an order for the payment of it. All this happened previous to the meeting of the convention; since which time, at least since October last, he did not recollect seeing, or having any connection with the prisoner.

Mr. Hamilton contended, that the prosecutor had failed in bringing the most criminal part of it home to the prisoner. He dwelt long on the correspondence between Mr. Dundas and Mr. Watt. He said, the prisoner had not deserted the service in which he had engaged; but had not had an opportunity of exercising it until the very time he was apprehended.

He contended, that he was a spy for government; and it was well known that a spy was obliged to assume not only the appearance of those whose secrets he meant to reveal, but even to take part in their proceedings, in order to prevent a discovery. He alluded to spies in armies, and mentioned a melancholy circumstance which happened to one last war, a gentleman with whom he had the honour of being acquainted. A spy in an army,

he said, was obliged not only to assume the uniform of the enemy, but even to appear in arms; and it would be exceedingly hard indeed, if taken in a conflict, that he should be punished for discharging his duty. He concluded with hoping the jury would bring in a verdict, finding the charges not proved.

The lord president, after clearly defining the laws of treason, summed up the evidence, narrating and explaining the various parts with much candour; leaving it entirely to the jury to return such a verdict as their judgment should direct.

The jury withdrew about half-past five o'clock in the morning, and, in about five minutes, returned with a verdict—*Guilty*.

Shortly after, the following sentence of the court was passed upon these unfortunate men:

“Robert Watt and David Downie, you have been found guilty of high treason by your peers. The sentence of the court is, therefore, that you be taken to the place from whence you came, from thence you shall be drawn on a sledge to the place of execution, on Wednesday, the 15th of October, there to hang by your necks till you are both dead; your bowels to be taken out, and cast in your faces; and each of your bodies to be cut in four quarters, to be at the disposal of his majesty: and the Lord have mercy on your souls!”

The prisoners received the dreadful sentence with much firmness and composure, and were immediately conducted to the castle. Robert Watt was ordered for execution, but a respite came for David Downie. He was transported for life.

Watt was executed October 15. When the procession had reached the Tolbooth-door, Watt was taken from the hurdle, and conducted into the prison, where a considerable time was spent in devotional exercise. The prisoner then came out upon the platform, attended by the magistrates, sheriffs, principal Baird, &c. Some time was then spent in prayer and singing psalms; after which, the prisoner mounted the drop-board, and was launched into eternity.

When the body was taken down, it was stretched upon a table, and the executioner, with two blows of the axe severed off the head, which was received into

a basket, and then held up to the multitude, while the executioner called aloud, "There is the head of a traitor, and so perish all traitors." The body and head were then placed in a coffin, and removed.

The prisoner, in his confession, acknowledged himself a spy; and that any man who could descend to that character, was certainly capable of every other meanness which interest might prompt.

THOMAS HARDY, AND OTHERS,

FOR HIGH TREASON, 1794.

THE people of England have long sighed for a Parliament which should be a real and efficient representation of the people, and to obtain this object has been the struggle of patriotism for the last forty years. At different times, societies have been formed for this purpose, and, among others, one was established in 1788, under the title of *The Society of Constitutional Information*, of which many distinguished persons were active members; and another, in 1791, under the name of *The Corresponding Society*, which soon numbered many thousand members.

The events of the French revolution, however, alarmed the British government, and, as it was feared that these societies might in time become as powerful as the clubs of France, it was resolved to suppress them. The secretary of the first, one Adams, was so far tampered with as to communicate all he knew to the ministers; and at length he and his papers, and those of Hardy, secretary to the Corresponding Society, were seized, and the most active members arrested, examined, and sent to the Tower, as guilty of high treason, on the ground of an attempt to overthrow and change the form of government.

On Saturday, October 25, at ten o'clock, the Lord President of the Commission, the Lord Chief Baron, Baron Hotham, Mr. Justice Buller, Mr. Justice Grose, the Lord Mayor, and six Aldermen, took their seats upon the Bench.

Proclamation was made with the usual solemnity, after which Mr. Kirby, the keeper of Newgate, was ordered

to bring up all the prisoners in his custody, against whom bills of indictment had been found by the grand jury.

The prisoners were placed at the bar in the following order, to plead to the indictment.

Thomas Hardy, Jeremiah Joyce, John H. Tooke, Thomas Holcroft, John A. Bonney, John Richter, Steward Kidd, John Thelwall, and John Baxter.

The indictment was then read by the clerk of the arraigns. It charged the prisoners, that they being subjects of the king, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil, withdrawing their affection and allegiance from the king, did, on the first of March last, contrive, in concert with other persons, to disturb the peace of the kingdom, to subvert the government, to depose the king, and to put him to death, &c. &c.

The prisoners were then severally asked the usual questions, Guilty or Not Guilty?—How will you be tried?

Mr. Hardy—Not guilty.—By God and my country.

Mr. Tooke—Not guilty.—I would be tried by God and my country.

Mr. Bonney—There is an error in the indictment, which would entitle me to an abatement, if I chose to avail myself of it; but I disdain to take an advantage of any trifling circumstance in my favour, conscious as I am of my own innocence—relying, as I do, on the justice of my country. I am described as living in St. Giles's parish. I never did live in St. Giles's, but in St. Pancras. It is asserted also that I was guilty of treason in St. Giles's. This assertion is just as true as the description. I plead not guilty, and will be tried by God and my country.

Messrs. Kydd, Joyce, Richter, Holcroft, and Baxter, pleaded not guilty, without making any observations, and put themselves on their trial by God and their country.

Mr. Thelwall—There is a circumstance, my lord, which my counsel have informed me would entirely quash the indictment as far as regards me, if I were inclined to take advantage of it. My description is not right: I am described as an inhabitant of Westminster, whereas I reside in the liberties of the Duchy of Lancaster. Anxious as I am to have my conduct examined into by my country, I despise the idea of availing myself of any subterfuge. I feel perfectly convinced, that when the long expected day shall come, that no honest jury can say otherwise than I do now—Not guilty.

Mr. Attorney General—My lord, as the prisoners have signified their desire to be tried separately, I move that Mr. Hardy be tried first, and that the warrants, made necessary by a late act of parliament, for constituting the commission, be recorded.

On Tuesday the court proceeded to the trial of Mr. Thomas Hardy. As soon as Mr. Hardy was brought

to the bar, the clerk of the arraigns read over the names of the jurymen. The jury were then sworn in.

Mr. Wood opened the pleadings by stating the charges, &c. and was followed by

The Attorney General, who said, that he had to offer to their consideration matters of the greatest consequence, affecting the interests of the whole nation. The prisoner stood charged with the greatest crime in attempting the life of the king. The circumstances attending his apprehension, and that of the other criminals, he should shortly state.

The *Habeas Corpus* Act had been suspended previous to their apprehension; this step had been thought necessary, because the legislature had conceived that the most detestable conspiracy had been formed against the security and happiness of the subjects of this realm. This was a measure which had been adopted in the best of times, when it seemed preferable to hazard a part, rather than endanger the whole of our happy constitution. The delay which had taken place in bringing the criminals to trial, was an unavoidable effect of the magnitude and extent of the charges, which exacted the strictest and most minute inquiry.

The king, in consequence, hearing of these steps, and those which had taken place in the council, had instituted a commission to inquire into the reality of such a conspiracy, and the grand jury, assembled by virtue of the commission, had given their solemn opinion that there were grounds for believing them guilty of the crimes laid to their charge. He then requested them not to suffer the opinions of any set of men to have any bias whatever on them, nor in the least influence their verdict. He took a view of the king in his legal capacity. He stated, that consistent with the Act of the 25 Edward III. no law can be attempted to be enacted in defiance of his authority, when assisted by lords and commons, without constituting high treason. The attributes and functions of the king are accurately defined by the laws of the country, so as to secure to the people the benefit of a good government, and to secure to the king the fidelity of his subjects. Whoever, therefore, chose to conspire to depose him, the people were bound to resist, as such a conspiracy was high treason. Every man was bound to defend the honour of the sovereign, and to suffer no usurpation to be made of his lawful authority.

Any act tending to such usurpation, in which the life of the king might be endangered, was, agreeable to the decisions of the greatest lawyers, (among others Hale,) an offence against his majesty's crown and dignity.

He should have occasion by and by to advert to the different publications, and particularly to the "Rights of Man." When in discussion of this subject he should be charged with a libel, he did not doubt but that they in the conscientious discharge of their duty, would arrive at the conclusion directed by law.

Judges Foster and Hale, both concluded the authenticity of the laws of treason from the anxiety of parliament, and said, that it ought to be construed in the most general point of view, and as the greatest crime, should be punished with ignominy.

The Attorney General then went over the whole of the indictment, and laid a particular stress upon that part which related to the calling of a convention, which had for its object the overthrow of the legislature of this country, and much danger was to be concluded from the meeting, if they had found their strength sufficient. He noticed the result of such a circumstance taking place in the time of William, to restore James to the throne, and whether it would not be high treason, or at least an overt act? In this view he wished that the address to the addressers, should be considered; and he wished it should be tried as such, but it had been thought proper to proceed otherwise, by those whose business it was to regulate the matter. It had therefore been stiled sedition.

He then proceeded to the history of the Scotch Convention. What, he first remarked, were the instructions given by the societies to their respective delegates? By these instructions they were directed to contend for the adoption of annual parliaments and universal suffrage, and to act on the same principle of resistance to the great majority of the nation, which had already discovered itself in their former proceedings.

They divided their societies into sections, the nations into departments; they had their patriotic gifts, their committee of secrecy, &c. They came to a resolution, that in case of a convention bill, similar to what had passed in Ireland, being proposed in this country; or of foreign troops being landed; or in the event of an invasion, they should immediately repair to the place that the convention should appoint; that the first seven members should declare the sitting permanent, and that twenty-one should proceed to business. Their dispersion did not however induce the societies to lay aside their object. They were sensible, that if they were desirous to carry their views, it was necessary that they should again undertake the same work at the same hazard. Accordingly they began to concert the means of assembling a convention in this country. At the commencement of 1794, the views of these societies began still more to develop themselves, and to assume an air of greater boldness. He then went into a long recital of the proceedings at a dinner at the Globe Tavern, and of a meeting at Chalk Farm. He adverted to the circumstance of Margarot having written a letter to Hardy, in which he told him that some strong resolutions were wanted. This *desideratum* was quickly supplied; the dinner at the Globe Tavern produced some strong resolutions indeed. (These resolutions he read.)

In these resolutions they treated the government of the country as plunderers, enemies, and oppressors, to whom it would be in vain to apply, and from whom they had no redress to expect. Indeed the reasoning upon the paper was so entire, and its expressions of hostility to the constitution so decided, that it was impossible for any ingenuity to surmount its contents. Of this paper they ordered 100,000 copies to be printed and distributed.

Their meeting at Chalk Farm was evidently only a step preparatory to the assembling of the proposed convention. It was

intended to sound the temper of the people, and ascertain how far they were prepared to enter cordially into the views of these societies. On the same day, meetings in the open air took place at Leeds, Wakefield, Newcastle upon Tyne, &c. The prisoner sent a circular letter for the purpose of calling together these conventions. In this letter he assumed a tone of greater boldness than before he had been accustomed to employ. The critical moment, he affirmed, was at last arrived; formerly they had agreed to meet only on the eve of passing a convention bill, but now that moment was to be anticipated.

It seemed probable, that in consequence of the dispersion of the British convention, perceiving they could no longer trust to the effect of naked numbers, they deemed it necessary to have recourse to arms. There were some circumstances from which indeed the charge received a high degree of probability. Could a supposition of this kind be too harsh, when there appeared on the secret records of the Corresponding Society, a resolution for guillotining George's head in a basket! thus shewing a disposition to strike at the sacred person of majesty? Mr. Thelwall, after the meeting at Chalk Farm, took up a pot of porter, and cutting off the froth with a knife, said, "Thus would I serve all kings." Mr. Yorke stated, that he was going to Belgium in order to bring to this country the true defenders of liberty. We find, indeed, the society at Sheffield, pursuing the same objects by the same means as the Corresponding Society, with an exactness which cannot but appear to be the effect of concert. We find the most active members of both societies directing and superintending the fabrication of pikes.

With respect to the witnesses whom I shall have occasion to call, some of them are persons who were members of these societies; others, I must confess, were employed by government for the purpose of mingling with the members of those societies, and watching over their operations. It is the great province of a British jury to sift out the truth by every possible means of investigation. You will of course listen with some degree of suspicion to the evidence of the persons employed for the purpose of discovering the designs of these societies, in proportion as you find it corroborated by similar evidence from those whose character affords no such ground for distrust. If you shall find that the facts charged against the prisoner, and substantiated by evidence, amount to the crime of high treason, you will then, no doubt, by your verdict, discharge what you owe to your country, your posterity, and yourselves. But if, after the case being fully stated, and attempted to be proved, you shall be inclined to form a contrary judgment, I shall have discharged my duty, and have only to join in the prayer, "God send the prisoner a good deliverance!"

Here the Attorney General closed his opening speech for the crown, after having spoken for nearly nine hours.

Thomas Maclean, a king's messenger deposed:—Did you at any time seize any papers from the prisoner?—Yes; on the 12th

of May last I seized several books and papers, at the house of Mr. Thomas Adams, in Took's court.

Look at that letter.—It is one of the papers which I seized.

Alexander Grant—Do you know the prisoner?—Yes.

Have you ever seen him write?—I have.

Look at that letter—Is it the prisoner's hand-writing?—I cannot swear to it.

Do you believe it is?—I again say, I cannot swear to it.

I only ask, do you believe it to be so?—I think it is.

Mr. Shelton read the letter, March 22, 1794, signed T. Hardy, secretary, directed to Mr. Thomas Adams, secretary to the Constitutional Society. It conveyed the strong resolutions entered into by the Corresponding Society, and had this passage in the letter, "The moment is now arrived whether we shall abandon our cause, or pursue our purpose of a radical reform, by immediately assembling a convention."

John Gurnell, messenger—On the 12th of May I went to Hardy's house, and seized some papers in the back shop.

Mr. Grant again called—Do you believe that paper to be the prisoner's writing?—I cannot swear so, but I believe it.—That will do.

(The paper contained the resolutions of the Corresponding Society for an equal representation of the people.)

Another paper was then sworn to with a plan of a reform, of universal suffrage, and annual election. This paper stated, that a great majority of the commons were chosen by about 12,000 voters: and that Birmingham, Sheffield, Leeds, Halifax, and other large towns, had no members.

Alexander Grant, printer, in Wardour-street, was brought to identify the hand-writing of the prisoner; several of the papers were shewn him, and he said that the signature looked like the hand-writing of Hardy, but he could not swear to it positively. Being asked if he believed it to be his hand-writing, he said, he did believe it. The papers were exhibited one by one, first to Edward Lauzun, the messenger, who proved that he found and seized them in the house of Hardy; and then to Grant, to prove the hand-writing; after which they were severally read, and delivered into the court. These papers had been previously printed and laid before the public, in the report of the secret committee.

The first material paper was the plan of the London Corresponding Society, for the purpose of promoting a reform in the representation of the people, and for shortening the duration of parliament. This plan was to form societies that should branch off into dozens, each branch not to exceed twenty; the members to pay one penny per week, or thirteen pence per quarter, to defray the expenses of printing and postages, as they could only hope to obtain their object by enlightening the people. Their address to the people was the next material paper, in which they said, that reform was their object, which they were desirous to obtain only by the arms of reasoning, and by persuading the people to concur in petitioning parliament.

Mr. William Woodfall, printer of the Diary, was called upon to prove the hand-writing of Mr. Horne Tooke in this paper. Mr. Woodfall said, he thought that some words interlined, and the concluding words of the paper, were like the character of Mr. Tooke's writing; but it seemed to be written at a tavern. It was more loose than where a man sits down coolly at his own desk; but on the whole, he believed the words interlined, "of all other things,"—"incapacitated," &c. were the hand-writing of Mr. Tooke.

After this, they proceeded through an immense body of papers, according to their dates.

Mr. Erskine said, that it was, in his mind, become necessary to pause, and to demand of the counsel for the crown if they had much more evidence to adduce; because men were but men: their lordships and the gentlemen of the jury would be equally unable of going on through the whole of the evidence for the crown; or, if they were able to sustain that fatigue, their physical powers could not endure also the time necessary to hear and attend to the prisoner's defence.

Lord Chief Justice Eyre—It certainly demands consideration. Mr. Attorney General, have you nearly concluded?

Attorney General—Not half.

Lord Chief Justice Eyre—The present is a matter of most serious importance. The law and the invariable practise is, that after a jury have begun to hear evidence on a criminal trial, they are not to be divided, and a single instance does not occur in a trial of this kind of any such separation. The rule was certainly made for the sake of public justice—to guard against the possibility of all tampering with the jurors; but if, by an extremity, the end of public justice could not be obtained without this separation, the principle on which it was originally made, would, in his mind, justify the departure from it.

Mr. Erskine—It would be difficult to figure a case of more delicacy than that in which I stand at this moment. For myself, I have no objection that the jury should separate, and go wherever they please for the night. I have implicit confidence in their honour.

Baron Macdonald said, if they could be accommodated in the house, they ought not, in his mind, to separate.

Baron Hotham said, if I must speak, the jury should not separate, particularly as they may be accommodated in the house.

Mr. Sheriff Eamer said, that beds and mattresses were provided for all the jury.

The President—The jury are not to separate; and, gentlemen, though it is a hard duty, you must submit to the inconvenience.

It was settled, therefore, to adjourn the court to eight o'clock the next morning; and two officers were sworn to take the jury to the apartments provided for them.

Second day—Wednesday, October 29.

The Court met at eight o'clock this morning, when Mr. Wood proceeded to examine the witness for the Crown.

A letter was produced, signed T. Hardy, and addressed to Mr. Skirving, Edinburgh, which Grant proved to be the hand-writing of Hardy. The purport of this letter was to return thanks for two copies of Mr. Muir's Trial; and to assure Skirving that the society looked on Muir and Palmer as martyrs to the cause.

The articles of instruction from the Constitutional Society to Gerald and Margarot, as their delegates to the convention, were next identified. They were as follow:—1st. That they should on no account depart from the original object and principles of the society, viz. annual parliaments and universal suffrage, by peaceful and lawful methods. 2d. That they should support the opinion, that representatives of the people should be paid. 3d. That the election of sheriffs should be by the people. 4th. That juries should be chosen by lot; 5th, and that jurors should be instructed. 6th. They were to maintain the liberty of the people. 7th. That the society considered all party names as contrary to the general happiness.

Mr. Bower presented the proceedings of the Scotch Convention.

This day's proceedings were concluded with the examination of Daniel Adams, secretary to the Constitutional Society; Mr. Jordan, bookseller; Mr. Chapman, printer; Mr. Johnson, bookseller; Mr. Hescuteson; and Mr. De Boffe; who severally gave evidence to the au-

thenticity of certain papers found in the possession of Adams, and Mr. Hardy, the prisoner.

Third day—Thursday, October 30.

Evidence for the prosecution.

William Camage deposed that he was a member of the society at Sheffield; he became a member in the year 1791, and acted as secretary till May, 1793. Their professed object was a parliamentary reform; and such continued to be their object during his secretaryship. He ceased to be secretary about April, 1793.

You say that Mr. Yorke never mentioned the subject of arms in public: did he mention the subject on any other occasion?—When the society was threatned to be dispersed by the opposite party, in private he approved of our having arms for our own defence against any illegal attack.

On what particular occasion did he approve of having arms?—He was shewn a blade of a pike, which he approved of; it was shewn him by me and by Henry Hill.

What number of those pikes were made?—About three dozen.

[Upon being again more particularly interrogated, he repeated his assertion, that he had never heard arms recommended by Yorke in public.]

Did you never hear him talk of a convention?—Yes, I heard him talk of the Scotch Convention as a very wrong piece of business, because the people were very much unprepared for such a measure; he thought that they should first have brought out an address to the nation.

Cross-examined by Mr. Erskine.

Can you sincerely and conscientiously answer, that a parliamentary reform was your own sole object while you acted as secretary to the society from 1791 to 1793?—Yes.

What is your idea of a parliamentary reform?—A more equal representation of the people of England in the house of commons.

Had you then no idea by your plan of reform to destroy the king or the house of lords?—God forbid.

Was it ever stated that your object might be carried by force of arms?—Never.

You never then conceived that any mischief was intended to the constitution; you never heard that the Scotch Convention was to put down the king and parliament, and usurp the functions of the legislature?—I never had the smallest idea of that sort.

In the support then which you gave to the convention, you acted upon the principle that parliament might attend to a great body, though not to a small one, and that your object was more likely to be successfully accomplished in proportion to the number of those by whom it was supported?—Such was the notion I entertained, and from which I acted.

You are then a friend to the British constitution in its purity?—I am most firmly attached to the genuine principles of the British constitution.

You had no intention then to bring into this country the deso-

lation and anarchy of France? You had no intention to put down the king or annihilate the parliament?—God forbid that I should be capable of entertaining any such intentions.

You had no reason to believe that the tendency of the papers published by your society was to overturn the constitution?—I certainly did not conceive them to have, in the smallest degree, any such tendency.

In providing yourselves with arms, had you any other view, except to maintain yourselves in the peaceable enjoyment of your rights, and to resist any illegal violence that might be offered you?—We never had any other view.

Was it your intention, if your demands should not be complied with, to employ them against the king or the parliament?—We had no such intention.

Upon what ground did you conceive yourselves entitled to provide yourselves with arms?—From the Bill of Rights, which authorises every Englishman to have arms for his own defence.

From what motive were you induced to give a preference to pikes above any other sort of arms?—On account of their extreme cheapness, which enabled us to procure them more readily than any other sort of arms.

Cross-examined by the Attorney General.

You said that you provided yourselves with pikes in order to defend yourselves against the attacks of those inhabitants of Sheffield who differed with you in sentiments: was it from the same motive you sent a number of these pikes to London?—We conceived that those societies in London, who agreed with us in opinion, might have the same ground for apprehension with ourselves.

What was the price of a pike?—The blade and handle together cost 20d.

William Broomhead was next called, and examined by Mr. Garrow. He deposed that he was a cutler at Sheffield, and had become a member of the Constitutional Society there, when it was first instituted in 1791. The professed and only object of their institution, was to procure a reform in parliament; and the sole means to which they looked to effect this purpose, was by meeting together, mutually enlightening each other, spreading the knowledge of the grievances under which they severally laboured, and concerting the least exceptionable means of providing a remedy.

Do you know a person of the name of Henry Yorke?—I know a person who goes by that name.

In what capacity did he attend?—We considered him a man of considerable abilities, and a powerful orator, and therefore treated him with respect.

Did Mr. Yorke speak from any particular situation?—Yes; in a large room there was a chair erected, from which he generally spoke.

What particular name did you give to this chair?—I never gave it any appellation; every man according to his fancy;—

some called it a pulpit, others a tribune; but as to any proper name belonging to it, I really never understood that it was christened.

Do you not recollect a meeting at Castle-hill, at which Yorke was present; and what took place on that occasion?—Yes; he held in his hand a book written by Locke, and addressed the people who were assembled. He expatiated on the abuses and evils which had crept into the constitution, and the deviation which had taken place from its original principles.

Did you derive any advantage from holding the situation?—I did; it was necessary to increase my means of support, which had in some measure failed in consequence of the war having destroyed my business.

Did you ever hear in your society of a proposition for providing arms?—It is extremely material that this business should be properly explained. A few days previous to the meeting in which it was spoken to as the undoubted right of every Englishman to provide arms for his own security, an attempt was made in order to excite the society to something unjustifiable. A spurious hand-bill, without a signature, was published and dispersed by night, warning the inhabitants of Sheffield to be on their guard against the dangerous designs of disaffected persons, and to be prepared to crush any tumult which they might wish to excite. In consequence of this attempt to excite alarm and prejudice against us, we deemed it prudent and necessary to take some precaution for our own safety. Such was the motive which first induced us to think of providing ourselves with arms. So little idea had we of employing them for any improper purpose, that we published our resolution on that subject in the public newspapers; and I should be extremely happy if the learned counsel, in addition to the other documents, would produce that printed resolution, and a copy of the hand-bill from which it originated. For myself I have only to state, that I never saw a pike till I was brought to London.

The address of the society of Sheffield to the people was then read; after which Mr. Gibbs continued to examine the witness, Mr. Broomhead. He said, that at the time the pikes were talked of, there had been a hand-bill published by a party that was opposed to the Sheffield society.

They had no idea of attacking any body, but they expected themselves to be attacked, as others had been attacked at Birmingham.

The Attorney General then informed the court that he should read that part of a paper which had been proved, and which related to the landing of the Hessian troops, which was dated the 28th of February, 1794, and of the 20th of March, 1794. One of the resolutions of the Sheffield society contained ten or twelve points. The first

was a condemnation of the present war. The next alleged, that the landing of the Hessians was against the spirit of the constitution of this country, and deserving the censure of every Englishman. Another on the mode of erecting barracks. Another alleging that peace and liberty were the offspring of heaven. Another, expressing the thanks of the society to the earl of Stanhope, for his excellent speech in the house of lords on a motion for acknowledging the French republic, and for his support of the rights of the people.

Henry Alexander, examined by Mr. Wood, said he was a member of the London Corresponding Society; that he became so in the latter end of November, 1793; that the society of which he became a member, met at Robin's coffee-house, Shire-lane. He thought he was the 95th member that was admitted. He knew Mr. Yorke; he came while the witness was there. He remembered him, having been with him there in the year 1793, at the latter end of it. There might be between 60 and 100 people in the room when he went there, for it was quite full. On the last night Mr. Yorke was there, he took leave of the company in a long speech. He said he was going, (the witness said,) to Belgium, (laying the accent broadly on the letter *i*) for that he had received a letter from a friend of his; he said they would be ripe for a revolution there, and he was going to be at the head of them. He said he was afterwards coming to England, and that he was in hopes he should be at the head of them.

Juryman—Look this way; where was he to come to?

Witness—To London. He made a very long speech. He said in that speech, in substance, that he had received a letter; that he had the honour of being a member of the National Convention of France, and that he had hopes of coming over here, and that he should see them all ready to join him; and Mr. Pitt's, with the different members that he meant, and the king's head, should be on Temple Bar, and that the society would join him. Mr. Pitt, meaning the minister, and the king's head, would be on Temple Bar.

Juryman—Mention the time?

Witness—The time was the 5th of November, 1793. They were all unanimous, and got up and shook hands with him as he got up to leave the room. I saw no more of Mr. Yorke, nor I do know where he went. I went after that to Mr. Dundas, and likewise to the lord mayor, Sir James Sanderson. I went to the lord mayor and Mr. Dundas, because I thought they were not going on properly.

Cross-examined by Mr. Erskine.

I am a linen draper, and live at the Rose in Flect-market; the time I went into the society was in the latter end of the year 1793; I did not go for the purpose of being a member, although I became one.

Mr. Erskine—In plain English, you are a spy.

Witness—After I found what they were, I became a spy ; I did not wish for a parliamentary reform.

Mr. Erskine—Why did you become a member, if it was not for the purpose of becoming a spy ?

Witness—I did not know what they meant by it.

Mr. Erskine—Did you wish any parliamentary reform when you became a member, upon your oath, sir ? Look to the jury, look at those gentlemen. You need not look at me, sir, I shall hear you.

No answer for some time.

Mr. Erskine—Are you acquainted with Dunn of Manchester ?

Witness—No, sir.

Mr. Erskine—I should have thought you were.

Chief Justice—Why don't you answer, sir ?

Witness—I did not understand you, sir.

Mr. Erskine—I am sorry for it, sir ; I believe you are the only person who does not.

Witness—I never wished any thing of the kind.

Mr. Erskine—Why did you become a member of that society ?

Witness—Smith said to me, be a member—one man then got up and read something, but what he read I did not understand. What they said or read after that night I do not know. I do not know what I heard that night, but I heard it before I came back again. I did not approve of it.

Mr. Erskine—What time—what month was this ?

Witness—I do not recollect.

Mr. Erskine—Was it in the summer or in the winter ?

Witness—I cannot say, sir ; I attended twice after I had been with Mr. Dundas.

Mr. Erskine—Mr. Yorke said he was going to Belgium.

Witness—He said something of Belgium or *Belgiam*.

Mr. Erskine—You are a master linen draper, I take it for granted ?

Witness—I am not in business for myself.

Mr. Erskine—You are a journeyman then ?

Witness—No, I am not in a situation myself.

Mr. Erskine—Yes, indeed, you are in a very singular situation, sir.

Henry Hill and William Moody, of Sheffield, were next examined. Their examination related to the fabrication of pikes, which they swore were not constructed for any bad purposes.

John Edwards said he knew the prisoner, Hardy ; that he had furnished him with a direction to Sheffield, for the purpose of obtaining blades. That he had heard from Higgins, that there was a place in the Borough to learn the use of the musket, but he did not know that there was any subscription on foot for that purpose. He denied that he positively knew the dress in which they assembled. He said that he learned there was a secret committee for the dispatch of business. As to the meeting which was held at Chalk Farm, Monday the 14th of April, 1794, he said he was ignorant of every thing previously determined on. That the

number assembled at Chalk Farm was about 2000, that among the persons present were Moore and Thelwall, and that Lovett took the chair; that he recollected Richter also, but did not remember seeing Hardy at that meeting.

At one o'clock the court adjourned.

Fourth day—Friday, October 31.

John Groves sworn.

The witness said that he was present at the Globe Tavern, in the Strand, at a meeting on the 2d of January, of the London Corresponding Society, but was not then a member. Early in February he was advised to become a member, and to go there, by a particular gentleman.

Mr. Law—What passed?—There was much language used at the meeting about universal suffrage and annual parliaments. There were papers distributed there, but he could not recollect any conversation between any particular persons, the general topic turning on universal suffrage and annual parliaments. He never heard any thing of arms; was at Thelwall's lectures, which were a general abuse of administration altogether. He spoke of the branches of the legislature in their respective capacities, and spoke of the king in terms of contempt.

Chief Justice—What was the word of contempt he used?—He said he was a Solomon.

What did he say of the lords?—That it was an aristocratic branch that swallowed up the other parts of the government, and recommended a new modelling, by having the general sense of the people taken; and mentioned something of a convention, for the purpose of new modelling the parliament, and obtaining universal suffrage.

Were you at any other meeting?—Yes; I was present at Chalk Farm, on the 14th of April. There was a large assembly of persons, and the prisoner was among them.

Mr. Law—Were any printed papers dispersed?—Thelwall made two or three speeches at the meeting, as a clamour went round, that there were spies and informers then present. Thelwall was for having them present, because that the numbers of the London Corresponding Society, which had assembled, would not be agreeable news to the minister. Mr. Hardy spoke only three words. When Richter was reading, and stopped to make some observations, the prisoner said "Read, sir, and without comment." Richter read the address to the friends of the people, and mentioned another meeting to be called against June. In the evening the witness went to a division of the society in Compton-street. Thelwall was the chairman, where he heard something that astonished him. Thelwall blew off the head of a pot of porter, and said, "This way I would have all kings served," or, "This way I would serve all kings." Thelwall gave a toast, "The lamp iron in Parliament street." Somebody immediately called out, whom the prisoner did not know, "Cover it." "The treasury bench" was given and drank, and no other persons were present but the members of the London Corresponding Society.

Mr. Law—Did Green shew you a knife?—At the meeting at Chalk Farm, I should have stated, that I sat down with others to eat bread and cheese, and was surprised to see five or six bring out a little instrument, all corresponding with each other, called a *couteau*, or French knife. When the blade was open, it could not be closed without a spring, except the spring failed. I went about a week after to buy one; Green, who sold them, told me he sold about two or three hundred. He desired me to speak low, as the parlour door was open, and communicated with the shop, as his wife was a d—d aristocrat. The witness attended the division, No. 2, regularly, and heard Pearce say, "If you strike they will not fly back." He said that he was present at the division of the society on the 5th of January, 1794, when an address to the poor of Stockport, entitled "The Rights of Swine," was read.

Were you at any meeting at the Crown and Anchor?—Yes.

Do you know who were present?—Horne Tooke, Lord Daer, Mr. Wharton, M. P. Mr. Sharp, the engraver, several of the London Corresponding Society: Frost was there, and Hardy, Thelwall, Richter, Lovett, Pearce, and Jones. When the company got into the room, "*Ca Ira*" was played at dinner, and the company called out, "*Ca Ira* for ever!" The Marsellois march, and the Carmagnole march, were played and applauded till their hands were sore and their ears ached; there was such clapping and acclamation. Horne Tooke got up immediately after dinner; silence was called. He prefaced his address by announcing, that some persons present were government spies, and to them he addressed himself. Witness attended particularly to the speech, as he did attend at the direction of a particular gentleman to give information. The witness said, that Mr. Tooke continued, by begging the company to observe, that he was not in a state of inebriation; from having something to say to the company, he took care to refrain from his glass, and for fear of being mistaken as in a state of intoxication, he begged all to take notice of what he said. He observed, that parliament was a scoundrel sink of corruption—Opposition a scoundrel sink of corruption; and said, that there was a junction between the two scoundrel parties for the purpose of destroying the rights and liberties of the country. In speaking of the house of lords, he spoke about hereditary nobility—and asked if that skip jack, Jenkinson, could be considered as one of the hereditary nobility. He paid the same compliments to the lords as he did to the commons.

[Here the Chief Justice adverting to the phrase compliments, desired the witness to speak to the facts, and not indulge himself in his observations.]

The witness resumed his evidence by saying, that Mr. Tooke observed, that there was a junction between the two parties, to amuse that poor man the king, and that there was a junction also to abuse the people.

Mr. Law—How was the address received?—With great applause.

Cross-examined by Mr. Gibbs.

When were you the first time at the meeting of the society?—

On the 20th of January, at the Globe Tavern; was not then a member, but became one afterwards.

You say you were sent there by a gentleman; pray who was it that sent you?—[The witness asked if it were necessary that he should reveal the name.]

The Chief Justice said, that it certainly rested with himself, and that he may if he pleased.

Mr. Law conceived that the court ought to protect the channels of information, as it might not be proper, for reasons of state, to disclose the name.

Mr. Gibbs wished to know who the person was that employed the witness.—A gentleman of high trust in office, who did not desire his name to be concealed.

So you have been a spy, have you not?—I think there is a difference between the word spy and informer; I went for the purpose I have explained.

Chief Justice.—He went there as a person to obtain information.

How came your connection with the gentleman high in office?—I was personally known to him for many years, and he is a gentleman that would not employ me in any thing dishonourable.

The Chief Justice was against disclosing the name.

Mr. Erskine and Mr. Gibbs contended that it was the practice pursued in the court of King's Bench, and therefore could not disgrace the Old Bailey.

Mr. Erskine said he was seventeen years at the bar, and knew it to be the practice, and appealed to Justice Buller if it were not the case. Judge Buller frankly confessed that it was when he was at the bar, but agreed with the Chief Justice that it was only a waste of time, and he wished to see it discouraged. After several handsome compliments from the Chief Justice to the defendant's counsel, they waived the circumstance.

Mr. Gibbs asked him if it were not unkind to point out his friend as a spy at Chalk Farm, when he did not know but he might have been torn to pieces?

Witness—There were about 400 persons at dinner at the Crown and Anchor, among whom were several respectable characters, whom he was surprised to see. He was not certain who filled the chair at the Crown and Anchor, but acknowledged that Mr. Horne Tooke spoke highly of the hereditary nobility as opposed to others, by whose introduction the former lost much of their influence. He was clear that Mr. Tooke spoke in the highest terms of the king, whom, he said, the new-made peers were contriving to amuse and abuse. There was not a word, he acknowledged, uttered by Mr. Tooke disrespectful of his majesty, and Mr. Tooke remarked that certain men were introduced into both houses, who were the source of all our troubles.

Fifth Day.—Saturday, November 1.

At twelve o'clock the court met, and the Attorney-General proceeded with the evidence on the part of the crown.

Evan Evans, late a prisoner in the King's Bench, was next examined; his evidence went to prove that Mr. Martin had frequently shewn and read to the witness and others, the resolutions entered into at Chalk Farm, observing, that if agreed to, they would highly tend to heat the public mind, for that he (Martin) had seasoned them well, by infusing a good deal of Cayenne pepper in them.

William Lockhart and James Clarke, sheriff's depute of Edinburgh, produced a box, containing pikes and battle axes, which had been exhibited on the trial of Watt and Downie, in Edinburgh.

The Attorney General informed the court at 1 o'clock, that he had closed the evidence on the part of the crown.

The Hon. Thomas Erskine then rose.—In the name of the prisoner for whom I stand, and for myself, I desire to subscribe to all that eulogium pronounced by the Attorney General on the constitution of this country, as handed down to us by our ancestors. I will not now speak of the right which it affords to its subjects, of making their own laws, but of the equal protection afforded to all, and the security provided for the impartial administration of justice. The Attorney General seemed to lay great stress on the anarchy and confusion of France, on which he descanted at length. But what is it that the French have chiefly to deplore?—They are at present under the dominion of a barbarous necessity, in consequence of which no man's life, liberty, or property, is secure, or at his own disposal for a moment. Such is the comparative state of England and France; and what is the inference we ought to draw with respect to the present case? If the prosecution be indeed intended to avert from this country the horrors of that anarchy, it is necessary that you, gentlemen of the jury, should guard against such delusion and injustice; it is necessary that, in the decision which you are called to give, you should stand on the strict and unequivocal letter of the law. It would not be enough that the prisoner should appear to you to have been rash, foolish, or even wicked—the last of which it will be impossible to support by any colour of evidence. It must be proved to your satisfaction, that he has offended against that statute under which he is indicted. He holds his life from the law, and by it he demands to be tried. This fair trial I ask; first, from the court—I ask it more emphatically from the jury—but lastly, and chiefly, I im-

plore it from him in whose hands are all the issues of life, whose just and merciful eye expands itself over all the transactions of mankind, without whom not a sparrow falleth to the ground; at whose command nations rise and fall, and are regenerated. I implore of God himself, that he will fill your minds with the spirits of justice and truth, that you may be able to find your way through the labyrinth of matter laid before you; a labyrinth in which no man's life was ever before involved in the whole history of British trial, nor indeed the universal annals of human justice or injustice.

Mr. Erskine then proceeded to the indictment—The first charge of the indictment was,

“That the prisoner, maliciously, traitorously, and with force of arms, did amongst themselves and other false traitors, to the jurors unknown, conspire, compass, and imagine to excite insurrection, rebellion, and war against the king, and to subvert the legislature, rule and government of the kingdom, and to depose the king from the royal state, title, power, and government of the kingdom, and to bring and put our said lord the king to death.” The whole treason lies in the last member of the charge, viz: ‘And to bring and put our said lord the king to death.’ The indictment then goes on to charge the overt acts.—‘They met, conspired, consulted, and agreed among themselves, to cause a convention to be assembled, with intent that the persons so assembled should traitorously subvert and alter the legislature, rule, and government of the country, and depose our lord the king from his royal state, title, power, and government thereof.’ This is the overt act—that the prisoner conspired the death of the king, and that in pursuance of this intention, he did all the acts charged in the indictment, provided arms, and concerted the plan of a convention. And here two things occur for consideration, which are absolutely necessary in order to establish the guilt of the prisoner under this charge. First, it is necessary to prove that he actually did the things which are charged in the indictment. Secondly, that he did them with the intention, and in pursuance of the object, of compassing the king's death.

Was this convention, by which he proposed to put down the king, to supersede the functions of the legis-

nature, and usurp to itself all the authority of the state? A man cannot be guilty of the overt act without having first conceived the intention. It is the intention which at the time passes through his mind that alone attaches guilt to the act. And if you are satisfied with respect to the intention, you are then to consider whether the overt act is of a nature which amounts to the description of that charged in the indictment.

To remedy grievous abuses, by which every faction in its turn sacrificed its enemies by arbitrary executions, founded upon constructive treason, making ancient England like modern France, the wise and venerable statute of King Edward III. was made, whose excellent and beneficial object was to make treason certain.—Lord Coke called the parliament who passed this statute, *parliamentum benedictum*, and the like honour was given to it by the different statutes which, from time to time, brought back treason to its standard, “all agreeing in magnifying and extolling this blessed statute.” The two great objects of the statute were to guard, first, the natural life of the king—and, secondly, his executive power and authority. So important was it considered to save the kingdom from the confusion into which it must be thrown by cutting off the life of the first magistrate, that it made the *intention* to kill the king equivalent to the *act* of killing him. In order to prevent arbitrary constructions of this severe and arbitrary law, it cautiously sought for an expression, well known and understood in the ancient law, viz. *compassing the death*—the words are, “when a man doth compass or imagine the death of our lord the king.” Mr. Erskine said, he would resort to the explanation of this expression by the celebrated judge Forster. “The ancient writers,” says Forster, “in treating of felonious homicide, considering the felonious intention, manifested by plain fact, in the same light in point of guilt as homicide itself. The truth was, *voluntas reputatur pro facto*, and while this rule prevailed, the nature of the offence was expressed by the term *compassing the death*. This rule has been long laid aside as too rigorous in the case of common persons; but in the case of the king, queen, and prince, the statute of treason has, with great propriety, retained it in its full extent and rigour, and,

in describing the offence, has likewise retained the ancient mode of expression. When a man doth compass or imagine the death of our lord the king, &c. and thereof be upon sufficient proof provablement attained by open deed by people of his condition, the words of the statute, descriptive of the offence, must therefore be strictly pursued in every indictment for this species of treason; it must charge that the defendant did traitorously compass and imagine the king's death, and then go on and charge the several acts made use of by the prisoner to effectuate his traitorous purpose; for the compassing the king's death is the treason, and the overt acts as the means made use of to effectuate the intentions and imaginations of the heart, and, therefore, in the case of the regicides, the indictment charged that they did traitorously compass and imagine the death of the king, and the cutting off the head was laid in the overt act; and the person who was supposed to have given the mortal stroke, was convicted on the same indictment."

He then speaks of the sacred life of the king, and, speaking of the treason, says, "The treason consists in the wicked imagination, which is not apparent. But when this poison swells out of the heart, and breaks forth into action, in that case it is high treason.—Then what is an overt act of an imagination or compassing the king's death? Truly it is any thing which shows what the imagination of the heart is." The opinion of judge Forster was confirmed by that of lord Coke. Notwithstanding the benevolent precision of this statute, it was lamentable to see the departures from it, which mark and disfigure our history; but, at the same time, it should be a theme of consolation to Englishmen to reflect, that as often as in arbitrary and wicked times, it was invaded by parliaments and judges, the justice of better judges and better parliaments brought the law back to the ancient standard; these invading statutes and judgments, and their repeals, were indeed decisive of the true construction of the statute. Surely the admonition of lord Coke ought to sink deep into the heart of every judge, and of every jury, who are called to administer justice, under an accusation upon this statute. That great man seems to have had a bird's eye view of the present trial: he seems to have anticipated the horrors

of such a confused, heterogeneous mass of papers as are now brought before a jury ; where no specific overt act directly expressive of an intention to compass the king's death was laid, no precise point of a man's life specified, but where four days had been necessary to the mere accumulation of the mass ; where a speech of nine hours was required to explain the charge ; and a whole life of treasons was to be collected from inferences, speculations, and tendencies, that no man could touch with his understanding, nor treasure in his memory.

None of these great authors had said, that compassing to change the laws by force, was treason in the abstract, or that even compassing to levy war against the king was treason in the abstract, or that compassing to imprison the king until he yielded to particular demands, was treason in the abstract ; but only that these acts might be laid as overt acts of compassing the king's death ; that they were acts that might be legally submitted to the jury, as the means made use of to effectuate the purpose charged in the indictment, viz. "the compassing the death of the king," and might therefore be legally charged upon the record, as overt acts of that treason. The statute required that the compassing the death, which was the crime, should be manifested by overt act ; the overt act, therefore, must be laid in the indictment. What might be an overt act was matter of law for the judges ; but whether, when so laid, it was sufficient to establish the traitorous purpose, was matter of fact for the jury. This distinction was not peculiar to treason, but pervaded the whole law of England. What facts were evidence from whence any matter in issue might be legitimately inferred, was matter of law ; but whether any given facts which were legally relevant to prove the matter which they were adduced to establish, were sufficient in any particular instance, depended upon the conclusion from the facts simply, or from the whole evidence upon the trial of the issue. The charge of compassing being a charge of intention, which, without a manifestation by conduct, no human tribunal could try, the statute required that the intention to cut off the sovereign should be manifested by overt acts, and as a prisoner charged with an intention could have no means of knowing how to defend himself, when an

intention was the crime, without notice of the facts from whence such intention was to be imputed to him, it was the practice to state, upon the face of the indictment, the overt act, as the means taken to effectuate his purpose; and by the statute 7th William III. no evidence shall be admitted or given of any overt act that is not expressly laid in the indictment.

In order to confirm these doctrines, he would make his appeal to every record and authority in the law of England. In the first place, so far were the overt acts of compassing to depose, or compassing to imprison, or compassing to change the laws by force or intimidation, or compassing short of the direct compassing the death of the king, capable of being made high treason, that the indictment must charge that the prisoner did traitorously compass the death of the king; and the overt act can be put upon the record in no other way than as the means by which the existence of that traitorous purpose was to be put for the consideration of the jury.

In the case of treason, the purpose of the mind was the crime charged; the overt act was only alleged to be an act done in pursuance of that intention, which made it shocking alike to common sense and to conscience to say, because the jury gave credit to the overt act as a matter of history, that they must therefore find the traitorous person.

Compare this doctrine with the case before us. Let the jury but turn their eyes to the mass on the table of the court. I do not mean to accuse the law officers of the crown, but let them reflect on the sort of circumstances that had been amassed and brought together in order to affect the prisoner at the bar.

My whole argument, therefore, said Mr. Erskine, asserts no more than this, that before the crime of compassing the king's death can be found by you, the jury, whose province it is to judge of its existence, it must be believed by you to have existed in point of fact. Before you can adjudge a fact, you must believe it—not suspect it or fancy it—but believe it.

Could any man, whatever had been his attention, whatever were his powers of discrimination, he defied him to develope the intention, guilt, and end of the heap before him. There was consequence added to conse-

quence—there was speculation upon speculation—the prisoner was to be led from this to that—the desire of enlightening his fellow citizens, was to produce a desire of reform of certain grievances; the desire of reform was to lead them to arming and violence; and in some future time, this was to produce a change in the frame of our government, and this change was to affect the king's dignity, and finally this was to be taken as an overt act of compassing his death. If it were not unfit to introduce any thing ludicrous upon so solemn an occasion, he should say that all this reminded him of the story in every child's gilt book, of "Here was the bull, that tossed the dog, that worried the cat," and so on, till you come to the house that Jack built. Good God! in this land of security and justice, were the lives of men to be put upon such hazards? Was it in England—was it in the year 1794, that such a trial was brought into the court of criminal justice? He knew that he might stop even here, and leave the life of the prisoner confidently to the sense and conscience of the jury, for he had marked their unwearied attention, their discriminating judgment, and he would so leave the case, if he were not anxious for the prisoner's honour, as well as his life.

What the fate of the prisoner would be, Mr. Erskine said, he knew not; he was confident in leaving it to men of honour, diligence, and attention, who would be guided by the evidence under the rule of the law, which governed this case.

He would maintain without fear of contradiction, that if any excess had been committed, the spies of government had proved that they provoked it all. Did he really believe that the prisoner was guilty, he would have taken a very different course; but believing him to be really innocent, he would defend him to the utmost of his power.

The societies and the prisoner at the bar, as a member of one of them, were charged with having formed a plan to subvert the established government of the country, as the means of carrying into effect their traitorous purpose against the life of the king. The charge was not, that they had conspired to assemble the convention which met at Edinburgh, but that they

had conspired to assemble another convention which never did meet. All the extraordinary evidence they had heard, and the most extraordinary the greater part of it that was ever heard in a court of justice, went to prove the intention with which this second convention was to be held. Whether reform of parliament was a measure likely to produce all the good that some expected from it, or all the mischiefs that others apprehended, the discussion was, in the case of his client, neither necessary nor proper. He was ready to confess that, if the same defects in the representation of the people in parliament had not been noticed in any former period, had never occurred to persons in much higher stations, and, as far as motives of self interest could attach men to any system, to persons who had a much more important stake in the constitution of the country, he might have been led to suspect that the intention of these societies was not exactly what they professed.

Happily, however, this was not the case. That the representation of the people in parliament was defective, that many and great abuses had crept into it, and that the health and longevity of the constitution depended upon the correction of those abuses, was a doctrine supported by many and high authorities. On maintaining this doctrine, the great lord Chatham built the fame and glory of his life, and bequeathed it to his son, who raised upon it his own fame and fortune. If the counsel for the prosecution had chosen to carry their evidence so far back, they would have found that the Society for Constitutional Information owed its birth to Mr. Pitt, and the Duke of Richmond, whose plan of parliamentary reform was universal suffrage and annual elections; and although he thought with those whose political opinions he had been accustomed to consider with more respect, that this would not be an improvement, yet he could not imagine that they, who originally promulgated or strenuously supported it, had in contemplation the subversion of the government, much less were compassing the death of the king. The duke of Richmond was a man of great fortune, of the highest rank, and it was not to be imagined that, by contending for universal suffrage and annual election, he meant to subvert the government, and strip himself

of his own honours. The duke of Richmond was not only a man of high rank, but well known to be a man of extensive reading and deep reflection. The plan he proposed, as the only adequate plan for the reform of parliament, was not the offspring of rashness or folly, but of information and reflection. The duke of Richmond said what he, Mr. Erskine, should be ready on all occasions to say, and he cared not how many miserable spies, as had been brought forward to give evidence on this trial, were present to take down his words, or, as was more commonly their practice, to report what they thought fit to understand by his words, without taking them down, that if the representation of the people in parliament was not reformed, if the abuses that had crept into it were not corrected, abuse accumulating upon abuse, must inevitably lead to a revolution. The duke of Richmond published his plan in 1782. The plan was addressed to colonel Sharman, and proposed appointing delegates by assemblies of the people; no matter whether stiled Constitutional or Corresponding, or any other societies, to meet in a general convention. The terms, delegates and convention were, therefore, no new inventions, no imitations of a French model, but the natural growth of our own soil.

The counsel for the prosecution must prove the intention charged in the indictment, and that satisfactorily; not by proof of surmise and conjecture. He next quoted a passage from Holt, importing that forced or strained constructions are not to be put upon men's words or actions, but that the intention of them is to be tried and made out by clear and palpable evidence. Now let the intentions of the prisoner and his associates be tried by this criterion. To whom did the duke of Richmond transmit and recommend his plan? To societies provided with half a dozen pikes? No: to colonel Sharman, at the head of 10,000 men, armed and in military array; to men not commissioned by the king—to the volunteers of Ireland, to whose exertions it was owing that his majesty now enjoyed the crown of Ireland. These men, so armed and arrayed, held a convention, not secretly, but in the face of day. By the authority of the king? No. By the authority of the Lord Lieutenant? No, by

the authority of circular letters ; and so far was this from being stigmatized as treason, that it was complied with —for, to grant the people their rights was the surest way to harmonize their minds and attach their affections to the government. Of all the witnesses called on the part of the prosecution, was there a man, except the spies, who said that their intention was any other than a reform of parliament by legal and constitutional means? If the spies were not to be believed, in contradiction to all the other witnesses, the court and the jury were mispending their time ; they might close the proceedings at once, and go home. The minds of the men who composed those obnoxious societies were irritated into intemperance by the representations of those who were now his majesty's ministers, of the abuses flowing from the decay of representation and the consequent corruption of parliament ; and, if the prisoner at the bar should be hanged, while the duke of Richmond was called to a seat in the cabinet, he should say—

“ —————Plate sin with gold,

“ And the strong lance of Justice hurtless breaks ;

“ Arm it in rags, a pigmy straw doth pierce it.”

In 1782, during the disastrous period of a war, pursued with as ill success as the principles upon which it was undertaken were bad ; when increase of taxes and decline of commerce had generated discontent in every corner of the country, and turned the minds of men to no mild scrutiny of the defects of government, the duke of Richmond's plan of reform was published, and conventions were held, which even arrogated the control of the expenditure of public money ; a function which had ever been understood to belong exclusively to parliament. Here was a direct usurpation of the authority of parliament, which his clients were charged only with intending. The true intent of the house of commons is, not to act as a control upon the people ; the king and the house of lords are the constitutional control, and the commons the voice and organ of the people. But how are they this organ, if they are not chosen by the people, which they now notoriously are not? To be convinced of this, it is only necessary to look at the report of the Society of the Friends of the People,

which they offered to substantiate by evidence at the bar of the house of commons, and which to this hour stands uncontroverted. Let us hear Mr. Burke on the house of commons as it is now constituted. "An addressing house of commons and a petitioning nation; a house of commons full of confidence, when the nation is plunged in despair; in the utmost harmony with ministers, whom the people regard with the utmost abhorrence; who vote thanks, when the public opinion calls upon them for impeachments, who are eager to grant when the general voice demands account; who in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocations to them; this is an unnatural, a monstrous state of things in this constitution. Such an assembly may be a great, wise, awful senate; but it is not to any popular purpose a house of commons." This, he says, in his "Thoughts on the Cause of the present Discontents," coolly, soberly, and deliberately written during the American war; and the word present will as well apply to this time as to that. Who says this? Not a poor shoemaker, like the prisoner at the bar, but a member of the house of commons, a man well versed both in political and philological distinctions.

Mr. Erskine continued his observations on the system of reform, as proposed by the duke of Richmond, and insisted, that as the prisoner had gone no further than his grace, he ought not to have been indicted for high treason, or even a misdemeanor. As to papers found in the prisoner's house, it by no means implied that he concurred in all the sentiments contained in those papers. If a man was to be convicted on such a ground, Mr. Erskine said, that he had himself papers in his own house sufficient to hang him and his whole family!

Mr. Erskine next remarked on the dangerous consequences which would ensue, if no man was suffered to hold his life but at the mercy of spies and informers.

On the character of spies, having no eloquence of his own strong enough, he would avail himself of the eloquence of a writer who had much---Mr. Burke.

"A mercenary informer knows no distinction; under such a

system the obnoxious people are slaves, not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

In this situation men not only shrink from the frowns of a stern magistrate, but are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, and in social habits. The blood of wholesome kindred is infected.—Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable are perverted into instruments of terror and torment. This species of universal subservience, that makes the very servant who waits behind your chair, the arbiter of your life and fortune, has such a tendency to degrade and debase mankind, and to deprive them of that assured and liberal state of mind, which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and so get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground an animated mass of putrescence, corrupted himself, and corrupting all about him."

He then adverted to the blasted character of the spies who had been employed on this occasion. He mentioned Alexander, who could remember a speech at length, but not the cause of a quarrel which had dismissed him from a more honest employment. He noticed Groves and his tale of the carving knives, but who, he was now instructed to say, had carried his infamous profession to the last shade of moral depravity. Of such a wretch, he was happy to add, that steps were taken to convict him of gross and violent perjury.

The counsel for the prosecution contended, that to attack the parliament was to attack the king, because the king was an essential part of the parliament. By no means.—Who, in talking of parliament in common acceptation, was supposed to mean the king? When these societies attacked what they thought the abuses of parliament, they meant what those who went before them had meant—the abuses in the representation, which might all be corrected without trenching in the least on the natural or political evidence of the king. After a petition for reform in 1780 had been rejected, the duke of Richmond wrote in a manner much stronger than those who were now accused of conspiring to lay hold of the parliament by violence; he wrote that the

less reform had been tried and failed; that not one proselyte had been gained; that the weight of corruption was such as to bear down every thing; that he had no hopes of reform from the house of commons; that reform must come from the people themselves; and that they ought to meet more numerously than ever to claim their undeniable rights, universal suffrage and annual elections. It was said that this war against the state amounted to rebellion—the assertion was unfounded. What was the state? The state was the body of the people with their sovereign at the head; nothing was rebellion that had not for its object the destruction or enslaving of the people and their sovereign so connected, and he trusted he should never hear again that the people all meeting must mean to depose the king.—The king's protection stood on the love of the people collectively, not on the adherence of this or that description of men, and to say otherwise was a libel both on king and people. He was sorry to hear any man called a traitor for talking of the "Rights of Man." The denial of the Bill of Rights brought Mr. Paine into this country; but for this denial Mr. Paine never would be an author amongst us. Why came Mr. Paine here as an author? To answer Mr. Burke, who denied the king's right to the throne by denying the right of the people to alter the succession. The French had pulled down a system of corruption and tyranny, so enfeebled by its own inherent defects, that it was ready to fall of its own accord. Mr. Burke denied their right to do this. Mr. Paine wrote an answer, and as a republican threw in much stuff about monarchy, which had nothing to do with the main question.

The first part of the Rights of Man was applicable only to France. But a book called an "Appeal from the New to the Old Whigs," applied it to the government of this country. Mr. Paine arrived, and notwithstanding his first intentions, this attack exasperated his spirit, and he wrote a second part to his Rights of Man, in which he vindicated the rights of the people in this or any other country to change their government. Mr. Erskine said he would vindicate, in the presence of as many spies as could be collected, the right of the people to

oppose despotic power, and to change the form of their government, when that form was radically and essentially bad. He had opposed, and would always oppose, the right of despots to prevent any people from forming a government for themselves, of the sweet or bitter fruits of which they themselves must eat. The people of England have a right to change their government if they please; they will not, if you use them well; but it is to the denial of this principle all the calamities of these trials are to be imputed. The duke of Richmond's plan proceeded on the Rights of Man. His grace, however, had not the merit of being the inventor. He adopted the ideas of Mr. Locke; and so did Mr. Yorke in his speech delivered on the Castle Hill, Sheffield. Mr. Yorke indeed had hardly the merit of adopting, for he recited what Locke had written almost verbatim.

They were on this case to decide on principles by which they held their own lives—on principles founded on all the charities of religion, as well as on the rules of human policy. They were to recollect the maxim, "As thou metest unto others, so shall it be meted unto thee." But in addition to the arguments of justice, a different conduct was required by policy at the present moment. At a time when such portentous changes occurred in Europe, when deserts were starting into countries, when every man was choosing for himself the soil where his rights would be best protected, it was the obvious policy of this country not to terrify men by harsh measures grounded on antiquated precedents. He noticed the case of Brabant, to whom, if the *joyeuse entrée* granted to the people by the good duke of Burgundy had been confirmed, the people would have arisen as a rampart round the throne, and tumbled those giants, the French, like the giants of old, into the mire of their own ambition. He instanced also the loss of the brightest jewel in the British crown, America, by an attempt to raise money for the purposes of corruption.

These were times to harmonize instead of dividing the people; to conciliate their affections, not to repel them by severity. It was not the Mutiny Bill or the Committee of Supply that kept our army and navy together. If not supported by the love of the people,

the one would be an assemblage of rotten planks, and the other a rabble. Let us not then conjure up a spirit which may destroy ourselves. Let us, said Mr. Erskine, give an example to sanguinary France, and teach their anarchy to imitate the mildness as well as the prudence of our laws.

"I am," said Mr. Erskine to the jury, "exhausted, and unable to address you further, I can only pray the Great Disposer of events, without whom not a sparrow falleth to the ground, to guide your decision. To your care I now commit my client, without fear, being confident you will do him justice."

Mr. Erskine then stated, that he would call evidence to the character of the defendant, and also to material facts in his defence.

The court retired for an hour and a half to take refreshment.

Fourteen witnesses were then examined, who all gave him an excellent character, as an honest, industrious, peaceable man. About half after twelve o'clock, the court adjourned.

After the adjournment, a mistaken person ran down to the gate and called out, "An acquittal! an acquittal!" upon which a numerous body of people, assembled in the Old Bailey, burst into a loud huzza.

The court was much surprised; the avenues were cleared, and the people were quickly undeceived. In about three minutes a still louder huzza was repeated several times. The sheriffs were directed to enquire into the cause; and upon their return reported that Mr. Erskine had that moment entered his carriage, and the populace had welcomed him with their gratulations.

Sixth day—November 3.

The Duke of Richmond sworn.

Mr. Erskine presented a book to the duke, and asked him if that was not a copy of his letter to colonel Sharman.

The duke said, he could not take upon himself to say, as there were printed copies very much mutilated.

Does your grace think that by casting your eye over it attentively, that you can say whether it is or not a mutilated publication of your letter?—I think I could; but I imagine that I can put a correct copy of it into Mr. Erskine's hand.

The letter was then read as presented by his grace. Mr. Garrow and Mr. Law looking over the copy given in evidence, both of which agreed.

Mr. Erskine, after the letter was read, observed, that the letter which his grace did him the honour of putting into his hand, from the dignity of the author, and the good sense it contained, had been adopted by the society of Sheffield.

Mr. Sheridan was then called and sworn.—He said he knew the prisoner, Hardy, having seen him before. He made his motion in the house of commons relative to an enquiry into the seditious practices which were said to have existence. Hardy then offered to give every information which might be required relative to the conduct of the society to which he was secretary.

Mr. Francis being sworn, said he had seen Hardy twice. On the first occasion on which he had seen him, he had heard from Hardy that the London Corresponding Society had come to a resolution of giving him (Mr. Francis) a vote of thanks in consequence of a speech he had made in the house of commons on the subject of parliamentary reform, and of causing the same to be printed. Hardy upon all occasions appeared to be a quiet, inoffensive, reasonable man.

Lord Lauderdale declared, that he had been invited to fill the office of delegate to the British Convention, which he had declined, after repeated conversations with Mr. Skirving, the secretary to it. He had, however, declined it, merely because he thought it was beyond his province to accept of it, and not because he entertained any doubts of the legality of the meeting.

As soon as the evidence for the prisoner was closed, Mr. Gibbs, one of his counsel, addressed the jury; but his speech was little more than a recapitulation of the arguments urged by Mr. Erskine.

The solicitor general then proceeded to comment upon the whole of the cause, as it stood up to the present period; in the course of his speech he read several passages from those addresses that were presented by John Frost and Joel Barlow, who were congratulated by the president of the National Convention in these words: "Generous republicans, the French citizens are your friends." This address of the French president also contained these remarkable words—"The shades of Hampden, Pym, and Sydney, will ere long bring congratulations to the National Convention of Great Britain.

Seventh day—November 4.

The solicitor-general resumed his speech, by observing, that he had already informed the gentlemen of the jury what idea he had of the persons engaged in the

transaction which at present engaged the attention of the court, and how far the prisoner at the bar was implicated in the business in the character of an agent to the characters concerned. There was no doubt, he said, in his mind, of the views of the prisoner, which were the destruction of the established government, by means of assembling the people, and of establishing in its room, a government founded on the "Rights of Man," on the broad basis that would give every man a share in the government of the country.

Chief Justice Eyre proceeded to sum up the evidence,—

Gentlemen of the jury, this prisoner stands indicted for high treason, in compassing and imagining the king's death. The indictment contains nine counts or overt acts. Of these are, first—conspiring to levy war against the king—secondly, preparing arms for that purpose. Three others are, first—conspiring to subvert the government—secondly, sending letters, and preparing arms for that object. The four other overt acts relate to the assembling of a convention, the first of which is—concerting to call a convention—the second, publishing books, letters and pamphlets, in order to induce his majesty's subjects to send deputies to the same convention—the third, meeting, consulting, and deliberating, how, when, and where this convention was to be held—the fourth, the appointing Jeremiah Joyce, John Augustus Bonney, &c. to meet and co-operate towards calling and assembling such convention. You will attend only to the evidence necessary for establishing one of these acts; the general effect of the whole will come afterwards to be considered.

If the convention, which it had been so much contended, was to have met in a legal and peaceable manner, were to have been supported in their proceedings by an armed force, it gave indeed a new complexion to the business. At the same time it was to be recollected what degree of credit was due to a witness of this sort, who was professedly employed as a spy, and whose character was by no means the most unexceptionable; were there no objections to his credit, his testimony would be very important indeed, as it would serve to mark a determined purpose against the king and his family. He had ascribed to Baxter language so very imprudent, as could scarcely have been supposed to be used. His evidence was to be received with great caution. John Groves was a witness whose veracity was still more directly impeached.

The Chief Justice having gone through all the evidence, said he should be very glad to go on with what he had to say to the jury on the subject, but as what he had to say must necessarily run into an inconvenient

length, he must trouble them to attend to-morrow, and then he hoped to be able, in a few hours, to dismiss them.

Eighth day—November 5.

Summing up by the Chief Justice.

I may now say to you, gentlemen, that this cause, which is a very important and momentous one, is at length brought near its conclusion; it must be a satisfaction to every honest man, that it has been conducted with so much temper on all sides; that there is a reasonable prospect your minds may have been sufficiently informed to give a verdict satisfactory to your own mind, and of course satisfactory to the whole country.

Your verdict will not proceed on any narrow or technical grounds. The overt act is, in substance, that the prisoner had conspired to depose the king, this has always been considered as an overt act of compassing and imagining the king's death, and as a known presumption of treason by all writers on the subject.

The short state of the question is this,—was the prisoner at the bar proved to have conspired to dethrone the king; and for that purpose did he, with others, contrive the establishment of a national convention? I begin with stating, that I think it ought to be conceded to the prisoner, that he did set out originally on the plan of the duke of Richmond for a parliamentary reform, upon the grounds of universal suffrage and annual parliaments. In the mass of evidence which has been laid before you there are parts to be found, not very numerous, which are to be submitted to your consideration, as grounds from whence the prosecutors have drawn their conclusion, and from which they are to support the assertion—that the prisoner is guilty of the crime of compassing the king's death.

The parts I particularly refer you to, are those passages which mark the conduct of those persons in the course of 1792, to their address to the French convention—afterwards the address itself should be attended to; then should be considered their subsequent conduct down to the time when the British Convention was dispersed at the end of the year 1793, and the project of a convention in the beginning of 1794.

The Jury retired for four hours; and at half past three o'clock they brought in a verdict of *Not Guilty*.

When the jury returned into court, the most awful suspense and silence prevailed, and so great was the agitation of the foreman (Mr. Buck, of Acton,) that he pronounced the verdict in a tone scarcely audible, and immediately fainted away!

JOHN HORNE TOOKE,

FOR HIGH-TREASON.

ON the 17th of November, 1794, came on the trial of Mr. John Horne Tooke. When at the bar, Mr. Tooke said, it was necessary for the purposes of his defence that he should quit the situation in which he stood, and be near the counsel which the court had assigned to him for his defence.

The chief justice said, that it was an indulgence he hardly ever knew given to any person in his situation.

Mr. Tooke knew it was an unusual application; but it was impossible for his counsel to know several particular facts, if he had not the opportunity of instructing them every moment; he therefore looked upon it as his right, and no indulgence. If they allowed him to stand by his counsel, he might have some chance of making his defence; but, if they kept him at the bar for nine hours, as was the case of the person who stood there last, there would be no occasion for any verdict, for that of itself would be as effectual as any sentence of death that could be pronounced against him. It should be recollected, also, that he came out of a place of close custody, part of which had been attended with degrading and humiliating circumstances, and some of them inhuman ones, where he had wasted his health during a sultry season; many returns of the year he could not expect in the course of nature, if he were discharged now; but if ordered to remain where he now stood, he could not expect to survive the present trial. He might, perhaps, be able to afford his counsel such means for making his defence as would materially shorten the trial, if the court granted the means, by granting what he now asked.

The chief justice observed, that the prisoner had what the law regarded as necessary means to enable him to make his defence. He had had counsel assigned him; they had had, or might have had, access to him at all seasonable hours; that was what the law allowed him. He had taught the court not to use the word indulgence, and he had taught them, too, that in their duty they were not to give him any indulgence; now

his lordship said, that he was apprehensive, that to grant this application would be an extraordinary indulgence, because it was a thing that was not done to any other prisoner, who had the same stake that he had, or any other person who came to that bar, and therefore, on that score, the court would not be permitted to comply with this request; they could not, in that view, do it without being guilty of injustice to others; it was evident, therefore, that the court could not grant what the prisoner asked, on the ground on which he asked it; but he had stated another reason, which, although he grounded no motion on it, yet was in itself extremely material, and would warrant the court in doing that which the prisoner thought they ought not to do, namely, to grant him an indulgence; he had stated the condition of his health to be such, that he must suffer much if he was ordered to remain where he stood; the court would not put his life in any danger on account of the place on which he stood, nor his defence to any difficulty that could be avoided by the court; they wished him to make his defence in the best manner imaginable; if this was likely to disentangle the prisoner out of any difficulty which he felt, his lordship said, he would put it to the judges, whether the prisoner might not be INDULGED, as he asked.

Mr. Tooke said, that on the footing of indulgence, he thought he had explained himself already; but if the court should refuse it under the title which the chief justice was pleased to give it, they would hear his argument on the point of law in this case.

The chief justice said, that the prisoner should state the whole of what he had to say on this subject now; and before the court deliberated; if he wished to argue any point of law, the court would hear him.

Mr. Tooke said, that, if he understood there was any objection on the part of the bench to what he asked, he should be ready to argue the point, and should desire to argue it; it was a point on which the principle of the law was clear; he begged leave to say, that although in his own mind he excluded the idea of any indulgence, and applied the part of the score of health, yet he was confident that, upon either, he had a right to argue in favour of the application which he now made; but under-

standing, from appearance, that the court was willing to grant the object of it, he did not think it necessary to cavil on a word: he had in substance what he asked; he should therefore say no more upon this matter, only begging it to be understood, that he did not mean to change his ground.

The judges having consulted for half a minute, the chief justice informed the prisoner, that the judges present felt themselves extremely disposed to indulge the prisoner on the score of health. Mr. Tooke thanked his lordship for that, *on account of his health*, and accordingly took his place near his counsel. Much debate took place respecting the jury. When complete, Mr. Perceval opened the pleadings, which were precisely the same as those in the preceding trial. The solicitor-general then made his remarks on the crime of high treason.

He would, he said, attribute to the prisoner having engaged in a conspiracy to effect a change in the sovereign power, the king, lords, and commons in parliament assembled. He would attribute to him, for the purpose of accomplishing the conspiracy, that he not only quarrelled with the administration and the frame of government, but the principles of the constitution; and his objections were radical and entire. He would shew, in the course of evidence, that the prisoner conceived no government good, but such as, in principle, was founded on the "Rights of Man;" and that it was the duty of every man to destroy that government, which differed from one so formed. To shew the opinion of the prisoner and others, of the government, he read extracts from a book written by Mr. Joel Barlow. He then adverted to the various societies throughout England; particularly the Constitutional and London Corresponding Societies.

The remainder of the solicitor-general's speech was a history of the minutes of the proceedings of these two societies down to May last, upon the seizure of their papers, together with Mr. Hardy, secretary to the Corresponding Society, and Adams (since become an evidence), secretary to the Constitutional Society, the particulars of which have been already detailed in Mr. Hardy's trial.

The solicitor-general afterwards entered into a minute detail of the two societies down to the seizure of the state prisoners. He also detailed the leading features of the proceedings of the British Convention, in the midst of which he was interrupted by

Mr. Horne Tooke, who, apologizing to the court, declared, he wished but to save their time and his own, for which he was anxious not to misunderstand the learned counsel. He understood him to say, that all these facts he meant to bring home to him (the prisoner) personally; for if he did not, his observations would go for nothing.

The court agreed in this sentiment.

The solicitor-general observed, he meant to prove the prisoner was in the chair when certain resolutions were adopted. He then proceeded in his detail and comments on the proceedings of the two societies down to May last.

Thomas Maclane proved the seizure of the books and papers of Adams, on the 12th of May, and said the book shewn was one. Mr. W. Woodfall believed the part shewn to be the hand-writing of Mr. Tooke.

Daniel Adams, secretary to the Constitutional Society, was called to prove the books, &c. He said he had been secretary for ten years past. The entries were regularly made in a book; names were frequently in the book, though the persons were not present, because their names were entered at the time they came into the room, although, perhaps, they did not stay. They frequently dined together, and many members left the place after dinner; by that means their names were entered, though not actually present. He entered the proceedings from minutes handed by different people. It sometimes happened, that when a person was in the chair, after he had left it, that another was placed in it, without its being noticed in the minutes.

He was cross-examined and re-cross-examined by Mr. Tooke.

John Thompson was called to prove, that he found in the prisoner's possession the resolutions from the Manchester Constitutional Society, with letters from Mr. Cooper, respecting the proposed abridgment of the "Rights of Man," all addressed to Mr. Tooke.

On Mr. Tooke remonstrating against this kind of

evidence, the court said, that a great number of papers might be found in possession of a man in the shape of letters directed to him; but that, unless they led to answers given by the person to whom they were so directed, they would not operate against him.

Mr. Tooke said, he never answered any letters; and if what was directed to him was to appear in evidence against him, there might be found among his papers a letter from a man deranged in his senses, which would subject him to a prosecution for blasphemy, as it ran thus, "Verily, verily, I say unto you, that I am God the Father, God the Son, and God the Holy Ghost."

The chief justice told the prisoner, if he would argue against the strength of all the other evidence, as he did against this, he had nothing to fear from the present trial.

A variety of papers were read, which were produced in court on the trial of Mr. Hardy; also several others; particularly a circular letter in the hand-writing of Mr. Tooke, and signed by him "To all the members of the Constitutional Society."

Several who were witnesses for the crown on Mr. Hardy's trial, were likewise evidence for the same on the present occasion.

A Mr. Hull, a member of the Constitutional Society, was called on the part of the crown, but he did not remember a single circumstance that was asked; of course he was quickly dismissed.

After one or two more papers were put in by the counsel for the crown, the solicitor-general acquainted the court that the evidence in support of the prosecution was closed.

Mr. Erskine commenced by a brief capitulation of the occurrences on Hardy's trial; when he had contended against the united efforts of the most eminent gentlemen at the bar, who had been retained on the part of the crown. He rejoiced in the success which had marked his exertions in that trial, because he had been instrumental in the acquittal of an obscure and innocent individual. The emotions which he then felt were no less sincere than impressive; but if there was a deficiency of talent on his part, it was his lot to have been very ably supported by his learned and ingenious friend, Mr. Gibbs.

In explanation of the law of treason, Mr. Erskine referred to the same authorities of Hale and Forster, as he did on the trial of Mr. Hardy. He then endeavoured to explain the difference of opinion between him and the attorney-general, on the construction of the law. The attorney-general confessed that to constitute the crime of high-treason, it was necessary that the guilt should exist in the mind; and the evidence he adduced was meant to prove this intent by the overt acts, disclaiming any recourse to constructive accumulation, or any other kind of treason.

The charge against the prisoner was, by overt acts, attempting to overthrow the king's government by force, and thus conspiring his death. But before they could convict him of such offence, they must be satisfied that force was to have been employed. Upon this point he cited the authority of Hale, that when a man conspires the death of the king, or his imprisonment, to gather company, or send letters in execution thereof, is an overt act of high treason: but the overt act itself was not high-treason. It could go no farther than to prove the treasonable intention.

In the present case, the attorney-general had done all that he was entitled to do, and could prove no more than what was already before the jury; yet there was not the slightest evidence of any design being formed against the king's person, however the proceedings might be thought to operate against the government; and upon that ground he must insist that the proof most completely failed. The convention at Edinburgh, which was the great ground-work of the charge, was evidently assembled for the purpose of deliberating on the means of reforming the abuses in government, and the representation of the people in parliament, without the least intention of accomplishing the object by force,

He was happy, on this occasion, to have that authority, which of all others was most desirable, namely, that of the lord chief justice Eyre himself, in his charge to the grand jury, to shew that, whether the proceedings of the societies or the convention led to the death of his majesty or not, was not a matter of inference but a matter of fact, upon which the jury was to decide. Nothing in the proceedings or publications of either breathed any

such tendency ; and the same learned judge had told them, that no man was justifiable in applying to the language of another any other meaning than that which he professed.

By the statute of 25 Edward III. it was expressly provided, that no matter of implication should go to a jury on a charge of this nature, but that the prisoner must be provably attainted. He would then ask what were the proofs brought in support of this prosecution ? Lord Hale said, that such charges should not be made out by inference or stretches of wit ; neither would he attempt to defend his client by wit, if he possessed any. Before so grave a bench, and on so solemn an occasion, all appearance of levity would be indecorous, otherwise there was no part of this evidence which was not open to the broadest ridicule. What was become of the humane character of the British law, if the life of a subject was to depend upon evidence too light to pluck a feather from a sparrow's wing, and which would not be admissible in a law-suit respecting £10.

If the jury, after hearing him in the present address, should think it necessary to go into any farther evidence, he would prove to them, that major Cartwright, a gentleman of the first character, talents, and respectability in the kingdom, was its original founder. It had for its object a parliamentary reform, an object, for the attainment of which the society of the Friends of the People was since instituted ; an object by which the greatest and best men of the country hoped to prevent unnecessary and ruinous wars ; to remedy the abuses in the state ; to prevent the increase of taxes, and guard against the profligate expenditure of our money. It was an object which the late earl of Chatham always had at heart, and which formed a leading feature of his character.

The duke of Richmond, whose authority in the country was deservedly high, and who was a man not to be suspected of taking up opinions on light or trivial grounds, had not only expressed himself an advocate for a radical reform in the representation, but published a letter, in which he declared it to be indispensable, and asserted the inherent rights of the people to enforce it.

These opinions, taken up so deliberately, and so generally circulated with such prodigious effect, that nobleman must, no doubt, still entertain, however inopportunistly he might think the present moment to be for acting upon them.

He differed much from the noble duke respecting universal suffrage; but there were many who held different sentiments. The noble duke vindicated the right of the people, to enforce the principle of universal suffrage; and the crown lawyers of the day never brought him to account for it. Mr. Tooke was an advocate for parliamentary reform upon a much more moderate plan, and yet his blood was called for, while the duke of Richmond was not thought to have offended.

Mr. Erskine made several very judicious remarks on the infamy of the spy system. He was relieved by Mr. Gibbs. On the fourth day Mr. Tooke began his evidence.

The first witness called was major Cartwright, who was examined by Mr. Erskine.

The major said he had been a member of the Society for Constitutional Information from its first institution. One of the first members was Dr. Jebb, &c. although they had been pleased to consider him as the father of the society. The object of that association was to enlighten the minds of the public, with respect to the nature of their just rights; to obtain a radical reform in the house of commons; and to recover certain rights which they conceived had been lost by the people.

Major Cartwright, after relating what he understood to be the great object of the Constitutional Society, namely, a radical reform in the commons house of parliament, said, the society had never, to his knowledge, departed from that original object. He was a member of the society to that hour, and declared, upon his oath, that they had never changed that object. He had known the prisoner at the bar about sixteen years; and his knowledge of him had been very intimate. Mr. Tooke always appeared to him, from the conversations he had with him, to be a steady, firm, and inflexible friend to the reform of the house of commons. That reform was the plan he then held in his hand (the duke of Richmond's letter.)

Mr. Fox was then called, who deposed, that he remembered to have seen Mr. Tooke at a meeting convened at the Thatched House tavern, he believed, in the year 1785, very soon after Mr. Pitt had brought forward his motion for a reform in parliament. Upon being asked whether Mr. Horne Tooke supported a motion proposed in that meeting to give thanks to Mr. Pitt, for his conduct with respect to the question of a parliamentary reform, he said, that his recollection, at this distance of time, went rather to the substance of what had passed at the meetings, than to the mode in which the proceedings were conducted. Mr. Horne Tooke supported the motion approving of the specific plan of reform brought forward by Mr. Pitt, which some other gentlemen, who were present as well as himself, considered improper.

Mr. Francis and the duke of Richmond, were next examined.

Mr. Tooke observed, that the indictment charged him with an intent to depose the king by force of arms, with divers pamphlets, books, papers, &c. He was therefore of opinion that any book which he had written and acknowledged, was as clear an indication of his mind as any papers produced by others, that got them from some who received them from others. The book he wished to bring forward was one which he wrote in answer to the duke of Richmond's letter, printed by Debrett.

Mr. Debrett was called, but did not appear; the attorney general suggested that the book could not be given in evidence.

Mr. Erskine contended that the prisoner's was a clear proposition, which the court could not resist without departing from its character for justice and consistency. It was evidence which, he persisted, could not be shut out. It was certainly fair to produce his pamphlet, to rebut what had been said of his being an advocate for the plan urged with so much zeal and ability by the duke of Richmond. The chief justice agreed on the point, that he, who undertakes to make out a proposition for a man, which he does not acknowledge, must make it out clearly. If treason is said to be in his mind, it is considered as an overt act of the manifesta-

tion of treason, and of course he has a right to rebut such evidence.

The right hon. William Pitt was next examined by Mr. Tooke.

A letter being put into his hand, Mr. Tooke asked him, if that letter was his hand-writing? After looking at it, he answered, that it was.

Lord chief justice Eyre asked, what the letter was? Mr. Erskine replied, that it related to the importance of the parliamentary reform.

The judge asked, what connection that letter had with this case? Mr. Tooke said, that letter had the same connection with this case, that the duke of Richmond's letter had with the case of Hardy.

His lordship observed, that the duke of Richmond's letter applied to the case of Hardy, because Hardy professed to follow the duke of Richmond's plan of reform, opened by Mr. Pitt in the house of commons, and on which a meeting, according to Mr. Fox's evidence, was called at the Thatched House tavern; it would have been very proper evidence, had Mr. Tooke attended that meeting, and approved of that plan. If Mr. Tooke could shew that he ever acted on that paper, he might produce it.

Mr. Tooke said, he had never followed any other plan of parliamentary reform, than that proposed by the right honourable gentleman; namely, that which was necessary to the independence of parliament, and the liberties of the people.

Mr. Pitt being asked, by his lordship, to what description of persons his letter was addressed? he answered, that he could only judge from the contents of the letter, to what description of persons it was directed; and he thought he must have sent it to some person who acted as a chairman to a Westminster committee. He recollected nothing more about that letter. He said, he recollected a meeting at the Thatched House tavern, relative to a motion for a parliamentary reform, which he had made in the house of commons, in May, 1782. He could not recollect, with certainty, who were present; but he believed that Mr. Tooke was present.

Mr. Tooke asked, whether he (Mr. Pitt), had not recommended to endeavour to obtain the sense of the

people throughout England, in order to be a foundation for a future application to parliament? He had no particular recollection of recommending such a measure. So far as he could recollect, it was the general sense of the members to recommend petitions to be presented, in the next session of parliament, with a view to reform.

Mr. Tooke hoped that his lordship would now allow him to read Mr. Pitt's letter.

His lordship replied, that he was as far as ever from entitling him to read that letter.

"Then your lordship, I hope," said Mr. Tooke, "will let me have it again."—The letter was returned.

Mr. Sheridan, the rev. Mr. Wyvill, Mr. Maxfield, and the lord bishop of Gloucester were also witnesses for the defence.

Mr. Tooke's evidence being closed, Mr. Gibbs addressed the jury in a very able speech: the lord chief justice then proceeded to his charge, recapitulating the several addresses to the different societies, and, after a very able and impartial speech, his lordship proceeded to comment upon the evidence produced in behalf of the prisoner; the result of which, together with his observations on the other parts of the case, and how the whole was borne out by the evidence, it was solely their important province to decide; and he doubted not but, whatever their verdict might be, it would be satisfactory, according to their consciences: and, being so, would be to the satisfaction of their country.

The jury, after conferring for about ten minutes, returned into court, and gave their verdict,—*Not Guilty*.

The verdict was no sooner announced by the foreman, than it was received with universal acclamation.

On December 1, Messrs. BONNEY, JOYCE, KYD, and HOLCROFT were put to the bar, and the jury were impanelled and sworn.

The attorney general addressed them as follows:

"Gentlemen, the last time I had the honour of attending in this court, upon a similar occasion, I addressed the jury for the purpose of stating to them the grounds of the prosecution, and the evidence I had to produce.

That jury found the gentleman accused, not guilty; I do not presume to judge of their verdict: I take it for granted they did their duty. After his acquittal it became my duty to consider what I ought to do, consistently with my duty to the public, and the gentlemen at your bar, who are part of the public. After mature consideration and consultation with other gentlemen, I have thought it my duty, (having no other evidence to offer but that upon which the last gentleman, was acquitted,) to submit these persons to you for acquittal—I shall not therefore trouble you with any evidence.”

The chief justice said, that as there was no evidence offered against the prisoners, they must, of course, be acquitted.

A verdict of acquittal was immediately given; Messrs. Bonney, Joyce, and Kyd, instantly retired.

Mr. Holcroft expressed a desire to address a few words to the court and jury.

The chief justice—I think, after such an acquittal, Mr. Holcroft, that no great room is afforded for observation. You had better follow the example of the other gentlemen, and retire in silence.

Mr. Holcroft—Every man, my lord, must act according to the best of his judgment; my judgment tells me that it is my duty to address a few words to the court, thus openly in the face of my country, upon the hardships I have so undeservedly suffered.

Chief justice—You will understand, sir, that you have no right to speak after you have been acquitted in the manner you have just been. At the same time, I do not wish to hold you strictly to that: conduct yourself properly and I will not stop you.

Mr. Holcroft—I have well considered what I have to say. Whether my judgment and your lordship’s will coincide, I do not know. What I have to say is the dictates of an honest mind, that never wishes to swerve in the least from the strict line of duty.

Chief justice—Those dictates should be properly timed; it is quite out of the question to take up the time and obstruct the business of the court in the present instance?

Mr. Holcroft—I wish not to take up more time than half an hour.

Chief Justice—Half an hour is unreasonable.

Mr. Holcroft—After having suffered so much injustice.

Chief justice—You have been dealt with most honourably by the attorney-general. You ought not to complain of injustice, because, in doing so, you accuse your country, which has put you on your trial. You can have no extraordinary hardship to complain of, you brought yourself into custody, and have been treated mildly and honourably by the attorney-general. You must withdraw, sir.

[Here was a general cry of "Withdraw."]

Mr. Holcroft.—I find it is the judgment of the court that I should withdraw. I always determine to behave myself so as to gain the good opinion of mankind by doing my duty. If I do wrong, I must suffer for it. I do not wish to be considered as an obstinate or troublesome man. As I am precluded from stating my opinion of this prosecution here, I must take other methods of publishing what I think.

Chief justice.—You had better take care of that, sir. You may probably get yourself into another scrape, after having extricated yourself from this.

Mr. Holcroft then retired.

MR. JOHN THELWALL,

FOR HIGH TREASON.

MR. THELWALL, was called to the bar on the 1st of December. The jury being sworn, Mr. Percival, on the part of the prosecution, opened the indictment, and Mr. serjeant Adair afterwards addressed the jury. Having stated the law, on the subject, he entered at large, and in detail upon the evidence, written and parole, as it tends to establish the general fact of a conspiracy to subvert the constitution, and the individual share that the prisoner had in it. In the course of his speech he remarked, that, whatever might be the issue of the prosecution, no one could deny that there was abundant ground of suspicion for the government of the country, when the conduct of the society became so equivocal, that common tradesmen and mechanics enquired of them, "Whether they meant to rip up monarchy by the roots, and place democracy in its stead." But, strong as this ground of suspicion was, it became multiplied in a tenfold degree, when the answer was contemplated, that was returned to that question.

He called their attention very seriously to the design formed of supporting the authority of the convention by force of arms; and though their preparations were not great, they would probably become so, if not prevented in time. Their exercising privately and in the night, was of itself a proof that they did so for a purpose which they dared not avow. They also manifested

a mischievous design, by ordering pikes to be made in Birmingham, in imitation of the method used by the people of France. It was also clear, from the time of making these preparations, that it was meant by these means to arm and support the intended convention. It was no defence to say, that they only designed to defend themselves against violence. For by whom was that violence to be used? By the government, evidently, which they intended to resist.

He omitted to detail what the parole testimony would be; but, when it was before them, they would, he believed, find that it fully corroborated the written evidence. They would have next to consider, whether the prisoner was included in these charges. He was an active member of the London Corresponding Society; and, in great measure, the founder of an inferior society in the borough of Southwark. He trusted, that he should not be accused of acting unfairly to Mr. Thelwall, if he introduced him to the jury by the character which he gave himself.

For this purpose, he read a letter of the 13th of January, 1793, found in his pocket, and directed to a person supposed to be in America. In this letter, he justifies himself from the charge of deserting the cause of liberty; avows himself to be a true republican, a *sans culotte*, &c. &c. but he also arraigns the ferocious and sanguinary proceedings in France. He also says, that he endeavoured to restore a political debating society in the borough, and the magistrates sent a number of people to cry,—“God save great Jolterhead,” as also many other particulars.

Such was the representation made by the prisoner of himself, and the learned serjeant commented on the various passages.

In a letter which Mr. Thelwall wrote to a friend of his at Oakham, in Rutlandshire, he explains his objects, and the danger of his designs. The letter was addressed to citizen Jack Bell, and was accompanied by many seditious songs, speeches, resolutions, &c. some of which he avowed to be his own, and some by Mr. Horne Tooke, and others. Though so unguarded in his letters, he used more caution in the composition of his lectures;

but their general tendency was to make the people dissatisfied with the government and its laws.

Having thus discharged what he conceived to be his duty, it remained for the jury to determine on the evidence, in a cause so important to government, and to the principles of social order. In forming that determination, they must remember, that mercy should always be consistent with that justice which they were sworn to administer. They must distinguish between this case, and that of Mr. Hardy and Mr. Tooke. Hardy was represented as a simple innocent tradesman, the instrument of others; and Mr. Tooke was defended by his known principles; and, if Mr. Thelwall had the same defence, he would not call upon them to convict him.

Mr. Maclean proved the seizure of some papers on the prisoner.

Mr. Adams proved, that the prisoner was a delegate from the London Corresponding Society.

On a paper being offered to be read, which was antecedent to the period Mr. Thelwall became a member, Mr. Erskine suggested, that nothing previous to that should be given in evidence.

The lord president over-ruled the objection, as the prisoner might have acceded to a conspiracy, formed at a time when he was not a member.

The paper containing some resolutions from Manchester, was then read. This was followed by several other papers.

Mr. Taylor, a surgeon, from Norwich, knew Mr. Thelwall, and became acquainted with him the latter end of 1791. He attended at St. Thomas's Hospital. Thelwall lived in the borough at the time, and occasionally attended. He attended political societies with Thelwall, and was present at the first meeting of the society at the Three Tuns in Southwark, but did not recollect the day. He rather thought it was the latter end of January, 1792.

The persons whom he recollected to have seen there, were Messrs. Favell, Russell, Gurney, and Thelwall. About two hundred persons were present. Mr. Gurney made a speech of considerable length, in order to prepare the minds of the company for the formation

of the society. He spoke in general terms of the abuses of government. Thelwall also spoke a few words. Mr. Gurney proposed that the society should be organized; and moved, that there should be an address to the people from the society. The address was the same which had been read to the court. It was understood that the society was not connected with the Friends of the People, because they thought the *outs* only wanted to get *in*. He was at a dinner of the Constitutional Society, at the Crown and Anchor, the latter end of April, 1792. Lord Semple was in the chair. Among the persons present, he recollected Messrs. Horne Tooke, Thelwall, Joyce, and Kyd. He recollected some conversation; the particulars of which he did not remember; it was on the subject of politics. He never was present in the borough after the first evening. He once attended a society at the Three Kings, in Aldgate. He was at a dinner at the London tavern, where he recollected several resolutions being passed, and hearing some speeches and an address: could not tell who proposed it, but rather thought it was Thelwall. The address, he understood, was either to the National Convention, or to the National Assembly.

This witness was cross-examined by Mr. Gibbs and Mr. Thelwall.

Davidson, the printer, deposed, that part of the manuscript of the songs and toasts, alluded to in Thelwall's letter to Citizen Jack, was given to him to be printed by Mr. Thelwall.

On cross-examination, he said, that he had heard Thelwall say, that pen and ink must be the cannon and powder used; and that when it was generally expected that the police-officers would interrupt the meetings of the London Corresponding Society, Thelwall told them to submit to the law, for the law would justify them.

On being re-examined by Mr. Law, he declared Mr. Thelwall an orderly peaceable man.

The counsel for the crown then gave in evidence the proceedings of the London Corresponding Society, so far as related to the delegation of Margatrot, Gerald, &c. The resolutions of the society respecting the prosecution of Holt, for reprinting the duke of Richmond's

letter, were read. The proceedings relative to the expenditure of the finances of the society were next read, as also were several letters.

John Gunnell was called to identify a letter, dated 2nd December, 1795, from Margarot and Gerald, to T. Hardy, and found amongst his papers.

J. Walsh was examined to identify a letter, signed T. Hardy, to the Norwich Society, and also found among his papers.

Among other pieces of written evidence, was a letter signed by the prisoner and directed to Citizen Jack Whellum.

The prisoner here begged permission to ask the rev. Mr. Williams, who was called to prove his hand-writing to the before-mentioned letter, a few questions. This being granted, the prisoner asked the witness, upon what occasion he had seen him write? The witness answered, that he married the prisoner, and saw him write his name upon that occasion.

Prisoner—My lord, I have nothing more to ask the witness.

Mr. Timms, the messenger, was called to prove the finding the papers in the prisoner's possession at the time he had taken him into custody.

He was asked by the prisoner, if he did not go into a separate room, and make a new arrangement of his own in those papers? He said, he did not. Mr. Thelwall said, he saw the witness go aside, as if he intended to do so.

Mr. Gurney, the barrister, was called, and desired to state the particulars of a letter received by him from Mr. Thelwall. He had not the letter, he said, nor did he precisely recollect its contents.

In the answer which he wrote to Mr. Thelwall, he desired him not to say any thing violent at his lectures, or make any harsh observations on the monarchy or aristocracy of this country, but to attack Reeves's Association as much as he pleased.

George Lynam was also examined, and one Taylor, who had been convicted of bigamy, at the last Old Bailey Sessions, and sentenced to be imprisoned in Newgate for the space of a fortnight, and then discharged on paying a fine of one shilling, was next examined.

This witness, who was in the confidence of government, produced a voluminous journal of those divisions of the London Corresponding Society, to which he had access, and stated that on all occasions, Mr. Thelwall was an active member.

On cross-examination, John Taylor stated, that he was a watch-maker by trade, that he had not done any business in that line since the year 1785, that he had frequently changed his residence during that interval, and that he lived on a small income, he had in right of his *first* wife, who was still alive. The witness next gave an account of his motives for visiting the different divisions of the London Corresponding Society. The first meeting he attended in order to gratify his curiosity. He was at the Globe tavern, on the 20th of January last, and being struck with the novelty of the proceedings, he resolved to become a member, which he contrived to do soon after. He declared that he attended the meetings afterwards for the express purpose of collecting information of their proceedings, and reporting the result to government.

The story of the "Game Cock" was proved to have been written by Mr. Thelwall.

Mr. Timms, a messenger, swore, that after the apprehension of the prisoner, on the 15th of May last, and while in his custody, Mr. Thelwall declared, "If I had been a fortnight longer at liberty, I should have been surrounded by such a number of friends, that you would have found it a difficult matter to apprehend me."

In his cross-examination by Mr. Erskine, the witness said, this declaration was made after the prisoner had undergone an examination before the privy council. Nobody else was present; and he thought it strange, such an unguarded expression should have escaped him.

Mr. Thelwall begged Mr. Timms to recollect, whether in an hour or two after apprehending him, the witness did not talk rather freely on political topics, and that he (Mr. Thelwall) admonished him to drop the subject, for they might entertain themselves better by conversing on any other topics.

The witness said, Mr. Thelwall was right in part only. True it was, he said, that a conversation about politics occurred; but the admonition came from himself, and

he offered Mr. Thelwall books to amuse himself to avoid political discussions.

Here the evidence on the part of the crown closed.

Mr. Erskine, after a pause of a few minutes, said that he was now to address the jury under circumstances extremely new and embarrassing. He was called upon in a much more sudden manner than he expected, to enter upon the defence of the prisoner at the bar. But perhaps, he should not complain of that embarrassment, as it arose from the learned serjeant, who led the prosecution, having declined to call evidence in support of the most important part of his case. The voluminous mass of written evidence again occurred for a third time, and he had the authority of the learned chief justice, who presided, in saying, that a repetition of such a huge and indigested mass, increased the obscurity and confusion which at first attended it.

He then proceeded in a very able manner to confute all the objections made, and observed, that of all the written evidence, the Address to France was, doubtless, he observed, the strongest; but in this, the prisoner had no concern; it was the act of Mr. Tooke, and the Constitutional Society.

In the lectures given by the prisoner, some expressions of violence and impropriety had been deposed to by Mr. Taylor; but, in this evidence, he was quite unconfirmed; and not only stood there in the light of a spy, but had perjured himself, in order to commit felony; for it appeared that he had been guilty of bigamy; and, in obtaining the licence for a second marriage, had made oath before the surrogate that he was a *bachelor*. Beside, if what he deposed were true, men are not to be judged by words accidentally dropped in moments of irritation or spleen. If such were to be held binding on a man, all the intercourse and charities of social life would be destroyed; for who could acquit himself of irreverent words towards his friend, his neighbour, the government, under which he lives, or even the God whom he adores? The arms that had been offered in proof, sunk, in the examination, to nothing. In number they were trivial; and were, from the evidence of the crown, taken up for self-defence.

Upon the whole, it would appear, he was persuaded, that not only the object and means of the prisoner were legal, but his general language and deportment orderly and peaceable.

The plain question of fact will rest with you, gentlemen, who will recollect that the indictment must be proved in form, as well as substance. If government seek for credit on these prosecutions, let them be content with preventive vigilance, which is, on all occasions of government, paramount to vindictive.

The first witness examined on the part of the prisoner, was Steward Kyd, Esq. barrister at law (who, together with Messrs. Bonney, Joyce, and Holcroft, had been discharged by proclamation on the preceding Monday): he said, he was a member of the London Corresponding Society; the object of which was a reform in the commons house of parliament. He well knew the prisoner, who was a zealous advocate for a parliamentary reform, but who had, according to the observation of the witness, conducted himself in a just and peaceable manner. The witness never had any reason to think, nor did he believe, that the prisoner ever meditated any design to subvert the monarchy, or compel, by force, any alteration in the constitution.

The next witnesses were John Horne Tooke, esq. J. A. Bonney, and Captain Harwood, who believed the prisoner had no other view than a parliamentary reform.

A witness was then called to prove that Taylor, the informer, had sworn, in an affidavit he made in Doctor's Commons, that he was a bachelor prior to his marriage with his second wife, for which he had been convicted of bigamy. The production of this affidavit gave rise to a long argument between the counsel as to its admissibility.

The court were of opinion, that the shape in which the question had been put to the witness on Tuesday, did not warrant the production of this affidavit in evidence.

J. Topham was then called to invalidate the testimony of Taylor, who, he said, had formerly gone by the name of Roberts. This Taylor had denied upon his examination.

David Phillips said, he knew John Taylor, who took a lodging of the witness, under the name of Roberts; the witness never knew him by any other name; the witness saw him in Newgate, when he told him to say, in case he should be subpoenaed, that his name was Taylor, and not Roberts.

Messrs. Cline, Parkinson, Clarke, Wilson. &c. were also evidence for the prisoner.

The evidence being closed on this part, Mr. Gibbs commenced a very able speech upon the nature and force of the testimony of the witnesses. It was necessary, he said, to remind the jury, that two former juries had pronounced Mr. Hardy and Mr. Horne Tooke to be innocent men, and yet they had been declared to be the leading men in the very conspiracy for which the prisoner stood indicted. The evidence in support of the charge, he contended, did not apply nearly so strong to the prisoner as to the two former gentlemen, because he did not belong to the society at the time the strongest measures were adopted; and yet the very proceedings that had failed to fix any guilt upon them, had been industriously brought forth again to convict the prisoner, who was a total stranger to the transaction. He concluded a speech of about twenty minutes, by reminding the jury that the prisoner had put himself upon God and his country for deliverance, and he felt a conviction that the jury, who were his countrymen, would pronounce, by their verdict, his true deliverance.

The lord president then informed the prisoner, that the time had now arrived for him to address the court himself, if he thought fit to exercise that privilege.

The prisoner said, that his learned counsel had discharged their duty with such distinguished zeal and ability, that he felt it totally unnecessary to add any observation himself to what they had said in his defence.

Mr. Serjeant Adair now made his observations on the whole of the evidence, and the lord chief justice having summed up the whole, the jury retired about twelve o'clock, and at five minutes before two, they returned into court, and pronounced their verdict—*Not Guilty.*

Mr. Thelwall then rose.—After so long a trial, he said, aided by so powerful a prosecution against a poor and unconnected individual as himself, without fortune and without friends; after suffering seven months' confinement in a prison, and enduring, with the pain imposed upon his body, the more excruciating tortures of his mind; and after risking not only his life, but his reputation, he could not hear the verdict which was then delivered without emotions too vast for utterance, and too sublime for thought. To the court, to the jury, to the people, he was indebted for candour, judgment, and patience, ever memorable. Yet although he might content himself with making this acknowledgment, nor longer intrude on the attention of the court, he conceived that he was honoured with a public trust, which was incumbent on him to discharge. He confessed that he had acted with imprudence, and had sometimes perhaps exceeded his intentions; but he had never acted with a criminal design. Of an irritable temper, and with strong passions, it was hardly possible for him sometimes to repress that indignation, which was purposely provoked by his accusers to draw him into a snare. It was true, that he had written the letter, which was produced against him, addressed to a friend in America; but he said, that he had not only refrained from sending it, but that he had never read it after it was written, or he should have consumed it in the flames. He could have no personal enmity against his sovereign, nor had he conceived so horrible a scheme as to depose him from his throne, or deprive him of his life. Far too from his thoughts were all treasons and conspiracies against the state, all projects of subversion, and provisions of arms. Happily, he hoped, the time was arriving, or would arrive, when pikes and muskets would no longer be fabricated, and when each engine of destruction would be destroyed; when man would look on man as brothers, by one immortal parent, and an universal compact of fellowship and peace prevail. Though acquitted by the verdict of his country, however, at a seasonable time and opportunity, he proposed, in moderate and lawful terms, to justify his conduct to the world.

The chief baron Macdonald, regretted that Mr. Thelwall had made the latter declaration, which was totally irrelevant, and not within their jurisdiction. Since he was acquitted, and acquitted too by the noble and public verdict of his country, he advised him to reverence those laws by which he had been justified, to respect that people to which he was returned, and to conduct himself with such propriety as should not only be satisfactory to his own conscience, but insure him respect in society.

**JAMES GEORGE LISLE, ALIAS MAJOR SEMPLE,
FOR STEALING.**

On the 18th of February, 1795, at the sessions in the Old Bailey, Major Semple was indicted by the names of James George Lisle, alias Semple, for stealing in the shop of Mr. Wattleworth, in Wigmore-street, one yard of muslin, two yards of calico, and one linen shirt.

—Todd, servant to Mr. Wattleworth, gave in evidence, that the prisoner came into their shop about noon on the 10th of November, and shewing two patterns, one of muslin and the other of calico, said he wanted them matched for Mrs. Coningham, of Egham-green; they had not exactly the same pattern as the muslin; but he chose one, and a yard being cut off, and two yards of calico, he said he would give them to the lady's servant, who was at the door, and calling in a man, gave them to him. He then asked if Mr. Wattleworth was at home, saying, he wanted some shirts; as he was shewing him some, Mr. Wattleworth came in, on which the witness left them together, but afterwards came and took his name as lieutenant colonel Lisle, which he entered in a book, and reading that, as well as Mrs. Coningham's, at Egham-green, to whom the muslin and calico was set down, the prisoner replied, it was very right.

Mr. Wattleworth confirmed Todd's testimony, as to his coming in while he was serving the prisoner, and then said, that the major stated himself to have just arrived from the continent, and that he should want a

quantity of shirts, and wished to take one with him to consult his sister, who, he thought, would be a better judge of the linen than he was; that he would bring it back in the morning, and then give his order. The sister he called Coningham, and as the witness had a customer of that name, he made no hesitation, but gave him the shirt under these conditions. This happened in November; but he never saw the prisoner again until January, when he was in custody at Bow-street.

In his cross-examination, he admitted, that he had credited a Mrs. Coningham for the muslin and calico; but that he had afterwards made every enquiry at Egham, without being able to find that any such person lived there. He also admitted, that after the major was in custody, some person came and asked him, if the articles were paid for or returned, whether he would forbear appearing against the prisoner; but he would not say by whose authority that person came.

This was the whole of the case, and the counsel for the prisoner contended that they had not made out the charge of the felony, the evidence, if true, amounting only to that of obtaining goods under false pretences; for they had even admitted they gave credit to Mrs. Coningham for the muslin and calico; and as for the shirt, it appeared he had been trusted with that, and it remained for the jury to be convinced whether he had an intention of not returning it at the time he was so trusted, before they could convict him.

Mr. justice Buller, who tried the cause, admitted the counsel was perfectly right, as to the calico and muslin, for it had been repeatedly so decided in various cases by the whole of the judges; but he did not agree with him in respect to the shirt, and, therefore, should leave it to the jury.

The major being called upon for his defence, begged permission to read a few words he had put to paper, fearful that his embarrassed situation might otherwise prevent him from saying what he wished. This paper stated, that he did not mean to deny he had unfortunately been in that place before; but some of the public prints had so misrepresented facts, that he had reason to fear the minds of the jury might be so far prejudiced

against him as to suppose he had spent his whole life in making depredations. To prove that it was not true, he begged to shew how his latter time had been passed. On going abroad, he found the French engaged in a war, fighting, as he thought, for freedom; he entered their service, and was soon honoured with rank in their army. This, however, at much hazard, he quitted, on their declaring war against this country, and went over to the Austrians, with whom he for some time served as a volunteer. The commander noticing his exertions, gave him a commission of no small rank, in which he continued until he was recognized by some British officers, and it was instantly circulated through the army, that he was the convicted Semple, (he having taken upon himself the name of Lisle.) On this he was obliged to quit that service; but still willing and desirous to serve, he went towards the Rhine, and obtained a commission under the hereditary prince. He had not, however, been long here, when a British officer sent to the commandant, that he had been condemned to transportation, but without stating the time had expired. Being thus suspected of being a run-away felon, he was taken into custody by the police, and confined in a prison for more than five weeks, without even the permission of pen and ink. The fact being cleared up, he was set at liberty, but not without losing his situation; he again however, went into the field, and was twice wounded. This induced him to return home, and he sent a letter to Mr. Dundas, a copy of which he desired might be read; but the court thinking it irrelevant, it was not admitted. He then concluded, that he had been thus persecuted, because he was major Semple, and which had also brought him to that bar on that day upon a charge of which he was totally innocent.

The jury, after near half an hour's consideration, brought in a verdict—*Guilty of taking the shirt under false pretences.*

This, the judge explained, was no verdict; on which, in a few minutes, they pronounced him *guilty of stealing the shirt.* Not guilty upon the charge of the muslin and calico.

He was put to the bar on the 21st, and received sen-

tence of transportation. He had long preyed on the public, and was a man of good address, and genteel appearance.

THE REV. MR. JACKSON, AT DUBLIN,

FOR HIGH TREASON.

ON the 23d of April, 1795, the reverend Mr. Jackson was brought to the bar to take his trial for High-Treason. The indictment charged the prisoner with two species of treason, namely, compassing the king's death, and adhering to his enemies: and stated fourteen overt acts.

The attorney-general opened the prosecution on the part of the crown; and having dwelt at some length on the doctrine of treason, proceeded to substantiate the charges by evidence; for which purpose he called

Mr. Cockayne, an attorney of London, the only witness, who deposed, that he had been for a series of years the law-agent and intimate friend of Mr. Jackson, who a few years since went to France (as the witness understood) to transact some private business for Mr. Pitt, where he resided for a considerable time. Soon after his return, Mr. Cockayne said, he called on him, and told him in confidence, that he had formed a design of going to Ireland, to sound the people, for the purpose of procuring a supply of provisions, &c. from them for the French, and requested him (the witness) to accompany him. Having accepted the invitation, he immediately waited on Mr. Pitt, and discovered to him the whole of Mr. Jackson's plans. The minister thanked him for the information, and hinted, that as the matter was to become a subject of legal investigation, it would be necessary for him to substantiate the allegations; but this Mr. Cockayne wished to decline, on the principle that, if the prisoner should be convicted of high-treason, he should lose by it £300, in which sum he was indebted to him. This objection was soon removed by Mr. Pitt agreeing to pay him the money, provided he would prosecute to conviction; and the witness accompanied Mr. Jackson to Ireland, for the purpose of making himself acquainted with his proceedings. Shortly after their arrival in Dublin, where they lived together, the prisoner expressed a wish to be introduced to Mr. Hamilton Rowan, who was then confined in Newgate; and at length, through the interference of a friend, he obtained an interview, at which Mr. Cockayne was present. In the course of conversation, the prisoner delivered two papers to Mr. Rowan, for the purpose of convincing him that he was a person in whom he might confide. From that time an intimacy took place between them; the witness always accompanied Mr. Jackson in his visits to

Mr. Rowan, and constantly took a part in their conversation. They agreed, he said, that a person should be sent to France to procure a force to make a descent on Ireland, and Theobald Wolf Tone was mentioned as a fit person for that purpose, who at first appeared to acquiesce, but afterwards declined the office. Dr. Reynolds was then proposed by Mr. Rowan, but objected to by the prisoner, as he did not understand the French language. It was, however, at length, agreed the doctor should take the embassy; but in a short time he refused to enter into the business. On this it was agreed that Mr. Jackson should write several letters, which were directed for a Mr. Stone, of the firm of Lawrence and Co. London. These contained inclosures for houses at Hamburgh and Amsterdam; and some of them to the French agents; described the situation of Ireland at the time; invited an invasion; and pointed out the proper places to land. These letters having been sent to the post-office, the witness went to the secretary, and informed him of the subject of them, on which they were detained. The plot matured thus far, having been discovered, the prisoner was taken into custody.

The evidence of Cockayne, together with the documentary proofs alluded to, were the only evidence adduced.

Mr. Curran and Mr. Ponsonby addressed the court in behalf of the prisoner. The former treated the conduct of Mr. Cockayne as extremely suspicious; and, from the pecuniary temptation thrown in his way to act the part he had done in the business, suggested to the jury that his evidence was entitled to very little credit.

Lord chief justice Clonmel delivered a charge to the jury, who brought in a verdict of *Guilty*: but recommended the prisoner to mercy.

The jury would it appeared have acquitted the prisoner, had he not inadvertently acknowledged the letters which Cockayne swore to be his hand-writing, by explaining some mysterious passages in them. The witness's agreement with Mr. Pitt would otherwise, have invalidated his evidence.

On his being brought into court to receive judgment on the 30th of April, the clerk of the crown having read the indictment against the prisoner, and the conviction thereon, and asked him the usual question—What he had to say why judgment of death should not be passed upon him? Mr. Curran prayed that the caption of the indictment might be read; which being done, he objected that the court could not proceed to

pass judgment, inasmuch as the copy of the caption of the indictment had not been served on the prisoner; and that the names of the grand jurors who found the bill of indictment were not set out in the record, and inasmuch as it did not appear what such grand jurors were sworn to do.

Mr. Ponsonby spoke to the same point.

The attorney-general, said, that if there was any objection on the part of the prisoner, going to the legality of finding the indictment, or to the competence of any of the grand jury, who found the bill of indictment against the prisoner, or even to the sheriff, who impanelled the grand jury, it should have been made before he pleaded to the indictment.

It being intimated to the court that the prisoner at this time appeared to be in a very dangerous situation, in point of bodily weakness, having some time before, and from his first being brought into court, appeared to be uncommonly agitated, the court ordered, that if any medical gentlemen were present, they should examine into the situation of the prisoner, and report their opinion thereon.

Doctor Waite, who was in the county jury-box, went down to the dock, and after examining the prisoner, reported that he was in a sinking situation, and had every appearance of dying.

Mr. Kingsley, druggist, who said he was bred an apothecary, also examined the prisoner, reported that he had every symptom of death upon him.

On this the court ordered that the prisoner should be remanded until further orders; but in a few moments, the unfortunate man expired in the dock.

The coroner's inquest was held the next day, when surgeons opened the body, and deposed that he died in consequence of having taken some acrid substance. His bowels and chest were greatly inflamed. In his pocket was one of his pamphlets, and a prayer written by himself, praying to God to deliver him from his enemies, *who were very great and violent*. In a little box, left in the jail, was a miniature of his wife, and a letter from Mr. Ponsonby.

Mr. Jackson, was a native of Ireland, and early in

life became a preacher at Tavistock-chapel, London. The emoluments of his clerical occupation not affording him sufficient subsistence, he applied his talents to literature, and was for a considerable time, editor of a newspaper, in which he made himself very conspicuous. He took a decided part in the quarrel between the duchess of Kingston, and Mr. Foote, in which he is blamed for treating the comedian with too much asperity; and charging him with the crime for which Foote found it necessary to abscond. He was afterwards a sharer in the Royalty theatre, and was obliged, for a considerable time, to abscond, on account of the pecuniary difficulties in which it involved him.

WILLIAM TILLEY, GEORGE HARDWICK,
JAMES HAYDEN, JOHN HENLEY,
HENRY DELANEY, WILLIAM HANDLAND,
SIMON JACOBS, JOHN SOLOMONS,
JOHN CROSSWELL, JONATHAN JONES, AND
JOHN PHILLIPS,

FOR MURDER AND CONSPIRACY.

A most desperate attempt was made on the 4th of April, 1795, in the morning, between one and two o'clock, to rescue Isdwell Isdwell, a Jew, who stood charged with being concerned in a forgery on the stamp-office, and who in the scuffle lost his life. Isdwell, was confined in the New Prison, Clerkenwell, and persuaded two of the turnkeys that an aunt of his, who was very rich, then lay at the point of death, and that he had been informed, that, could she see him before she died, she would give him a thousand pounds; and, therefore, if they would let him out and accompany him to the place, he would give them fifty guineas each for their trouble; and that the matter might be effected without the knowledge of the keeper of the prison, or any other person, as they had the keys of it at night, and the time required was very short. To these proposals the turnkeys agreed; and accordingly, about one o'clock in the morning, the gates were opened, and Isdwell, with his irons on, was conducted in a hackney

coach by one of them, armed with a blunderbuss, to the place directed, which was in Artillery-lane, Bishopsgate-street, where they gained immediate admittance on ringing a bell; and, enquiring for the sick lady, were ushered up one pair of stairs. Isdwell went into the room first, on which several fellows rushed forth and attempted to keep the turnkey out, but not succeeding in that respect, they put the candles out, wrested the blunderbuss out of his hand, and discharged it at him; at this instant, it was supposed Isdwell was endeavouring to make his escape out of the door, as he received the principal part of the contents of the blunderbuss in his back, and fell dead; the turnkey also fell, and one of the slugs grazed the upper part of his head; and the villains, by some means finding their mistake, though in the dark, beat him in so shocking a manner with the butt end of the blunderbuss, while he lay on the ground, as to break it to pieces, fracture his skull in two places, and bruised him dreadfully about the body; the noise which the affray occasioned, brought a number of watchmen and patrols to the house, who secured ten persons therein, mostly Jews.

The plan of Isdwell's escape appeared to have been formed by the widow of one Laurence Jones, she having taken the lodgings in Artillery-lane, and though in reality aunt to Isdwell, had cohabited with him ever since her husband's death. The bed in the room where the business happened, was provided with all the paraphernalia of a sick person; a number of phials were standing on an adjoining table, and the image of a woman's head, with a cap on, appeared just above the bed clothes.

On the 21st of April, William Tilley, George Hardwick, James Hayden, John Henley, Henry Delaney, William Handland, Simon Jacobs, John Solomon, and John Phillips, were tried at the Old Bailey, for the wilful murder of Isdwell Isdwell; by maliciously levelling and firing a blunderbuss at John Day, for the purpose of effecting the escape of the said Isdwell, he being committed on a charge for a capital offence.

The trial lasted from eleven o'clock on Tuesday morning, till past one on the next morning; when the jury returned a verdict of—*Not Guilty*.

They were however detained to take their trial for a conspiracy, to rescue the deceased out of the hands or justice.

They were again tried upon a charge of having assisted Isdwell Isdwell to escape from his majesty's prison, he being in custody to be tried for a felony.

Day, one of the turnkeys, related the story of his and Crosswell's agreeing to let Isdwell go to Artillery-lane; that Tilley and Jacobs frequently came to the prison; and on Good Friday the former said to Isdwell, that Moses Solomons (who was confined in Bridewell upon the same charge) was to be suffered to go home and keep the passover with his family. This had some weight in inducing the witness to consent, and at night he accompanied him to Artillery-lane, in which he met Tilly, but did not go into the house where he was so dreadfully beat, and Isdwell was shot.

Moses Solomons was a servant to Isdwell, and, gave a detail of the circumstances of Jonathan Jones taking the lodging in Artillery-lane; of Isdwell's being expected that night; that the trick of a sick aunt was to be played off on the turnkey; that Isdwell did come; that most of the prisoners were there; and that after the accident, he and all the rest were taken into custody.

Mrs. Cumming, who kept the house, and a little boy, her son, proved that they had seen Hardwicke, Jacobs, and Hayden, come to Mrs. Isdwell.

Ray, Spencer, and Brummel, were the persons who apprehended all the prisoners but Tilly, Jones, and Crosswell, in and about the house; and they were all particularly sworn to by Day and Moses Solomons, as being in some way concerned, except Delaney, who was no otherwise identified than as being taken in the house.

In their defence, Tilly said, he was employed by the Isdwells as their attorney; and as the two brothers were confined in two different prisons, the going backwards and forwards from one to the other occasioned his seeing them oftener than he otherwise should. He denied that he had ever made use of the expression about Moses going out, as sworn to by Mr. Day, or that he had the slightest knowledge of their intention to escape.

John Crosswell left his defence to the counsel.

Jonathan Jones did not deny that he had taken the lodging for Mrs. Isdwell, but he had not done it secretly; for on her husband's being taken up she sent for him to come to town from Gosport? he did so; and as she was obliged to leave her house in St. Mary Axe, he had taken this lodging for her; and in so doing thought he did no more than his duty for his niece. Before the accident happened, he had returned into the country; all of which was admitted to be true by the witness Solomons.

George Hardwick stated himself to have been employed as a porter to assist in carrying the goods to the lodging, and not having been paid the whole of his demand, had gone thither that night and was waiting to get the remainder.

— Hayden said, his wife washed for Mrs. Isdwell; and that she being lame, he had gone to Mrs. Isdwell's with some things that night, and was waiting for some money.

John Hayden had been out drinking, not being able to work from its being Good Friday, and was so much intoxicated, that he could not say how he came into the house.

Henry Delaney said, he was passing by the door just after the accident; that he stopped to see what was the matter; that he was pushed in by the mob, and had not been in the house before.

Simon Jacobs described himself to be a brother-in-law to Isdwell; that he was constantly going backwards and forwards to him; and that by his desire he passed most of his time at their lodgings. He had no doubt but Day was the man who shot his brother. He then entered into a long and vehement attack upon the keepers of Clerkenwell, both for their conduct to Isdwell, and to himself, after he was taken; drawing a conclusion with respect to the former, that the governor, deputy governor, and turnkeys, were the principals in the escape; and that he and his fellow prisoners, even had they intended to assist, could only be accomplices, and that it could not be just to punish the accomplices before the principals; nay more, he insisted the escape was made the moment he was out of prison, and consequently long before they could be concerned with it.

John Philips and John Solomons related the same story; namely, that upon a promise of a reward of £200, they were endeavouring to get the dies from Mrs. Isdwell, by which some stamps had been forged; and upon their making her some promises, she had appointed them to come that evening.

John Henley said, he had called upon Mrs. Isdwell that night respecting a watch he had bought, and which had been stopped.

Mr. Justice Buller summed up the evidence with much attention and perspicuity; after which the jury retired for near half an hour, and then returned a verdict of *guilty* against nine, *acquitting* Jonathan Jones and Henry Delaney. The nine others were sentenced to transportation.

MISS ANN BROADRIC,

FOR THE MURDER OF MR. ERRINGTON, 1795.

MISS ANN BROADRIC, was a young lady of considerable abilities, a fine figure, and much admired for her accomplishments and personal attractions. Three or four years after Mr. E's divorce from his former wife for her adultery, he addressed Miss Broadric, and lived with her nearly three years, with every appearance of comfort. Mr. E. however, saw another beau-

tiful object, possessed of a large fortune, to whom he transferred his affections, and after a little time, gave her his hand. On his marriage he settled, what he deemed a suitable provision on Miss Broadric; stated to her explicitly the variation of his sentiments, and added, that he never could see her more.

After the first agonies of her grief, Miss Broadric sent the following remonstrance. The desired interview was refused; but she still persisted, by letters, to move him to grant her this last request; but finding him inexorable, she wrote to him, "That if nothing could induce him to do her this act of common justice, he must prepare himself for the fatal alternative, as she was determined *that he should not long survive his infidelity!*"

Dear E.

Sept. 11, 1794.

That you have betrayed and abandoned the most tender and affectionate heart that ever warmed a human bosom, cannot be denied by any person who is in the least acquainted with me. Wretched and miserable as I have been since you left me, there is still a method remaining that would suspend, for a time, the melancholy suffering and distress which I labour under at this moment; and still, inhuman as thou art, I am half persuaded, when I tell you the power is in your hands, that you will not withhold it from me. What I allude to is, the permission of seeing you once more, and perhaps, for the last time. If you consider that the request comes from a woman you once flattered into a belief of her being the sole possessor of your love, you may not perhaps think it unreasonable. Recollect, however, E. ere you send a refusal, that the roaring of the tempest, and the lightnings from heaven are not more terrible than the rage and vengeance of a disappointed woman. Hitherto you can only answer for the weakness and frailty of my nature. There is a further knowledge of my disposition you must have if you do not grant me the favour demanded. I wish it to come voluntarily from yourself, or else I will force it from you. Believe me in that case I would seek you in the farthest corner of the globe, rush into your presence, and with the same rapture that nerved the arm of Charlotte Cordet, when she assassinated the monster Marratt, would I put an end to the existence of a man, who is the author of all the agonies and care that at present oppress the heart of

ANN BROADRIC.

After a lapse of a month, receiving no answer whatever, she dressed herself elegantly, early on the Friday morning, May 15th, went to the Three Nuns inn, in Whitechapel, and took a place in the Southend coach, which passed very near Mr. E.'s house, at Grays. She

got out at the avenue gate, and, in her way was recognized by Mr. E. who told his wife, that that tormenting woman, Broadric was coming; but that he should soon get rid of her, if she, Mrs. E. would retire a few minutes. Mrs. E. however, did not consent to this, but prevailed upon her husband to go up stairs into the drawing-room, and leave the interview to her management. Miss B. being shewn into the house, asked for Mr. E; but was told by Mrs. E. that he was not at home; "I am not to be so satisfied, Madam," replied Miss B. "I know the ways of this house, unfortunately too well, and therefore, with your leave, I'll search for him!" On this, she rushed into the drawing-room, and finding him there, she drew a pistol, with a new hagged flint, from her pocket, and presenting it at his left side, directed to his heart, exclaimed, "I am come, Errington, to perform my dreadful promise!" and instantly pulled the trigger. Surprised at his not falling, she said, "Good God! I fear I have not dispatched you! but come deliver me into the hands of justice!"

Mrs. E. burst into the room, and seeing her husband bleeding, fainted away. Mr. E. now remonstrated with her, and asked her, if he had ever deserved this at her hands, after the care he had taken to settle her so comfortably in the world? She gave no other answer than a melancholy shake of her head.

Mr. Miller, a neighbouring surgeon, being called in, found that the ball had penetrated at the lowest rib, cut three ribs asunder, and then passed round the back, and lodged under the shoulder bone, from whence every effort was made to extract it, but in vain.

Mr. Button, a magistrate came, who took the examination of Mr. E. after his wound was dressed. He asked Miss Broadric what could induce her to commit such an act of extreme violence? her answer was, that she was determined that neither Mr. E. nor herself should long outlive her lost peace of mind.

Mr. E. entreated of the magistrate not to detain her in custody, but to let her depart, as he was sure he should do well; but this request Miss B. refused to accept, or the magistrate to grant. Her commitment being made out, she was conveyed that evening to Chelmsford gaol, where she remained composed till she heard of Mr. E.'s

death, when she burst into a flood of tears, and lamented bitterly that she had been obliged to be the cause of his death. The coroner's inquest sat on the body on Tuesday, the 19th of May, and brought in their verdict, *Wilful Murder, by the hands of Ann Broadric.*

On Friday, July 17th, Ann Broadric was conveyed to the shire-hall; she was conducted into the bail dock in the criminal court, attended by three ladies and her apothecary. She was dressed in mourning, without powder; and after the first perturbations were over, occasioned by the concourse of surrounding spectators, she sat down on a chair prepared for her, and was tolerably composed, except at intervals, when she evinced violent agitation. When the indictment was reading, she paid marked attention to it; and on the words, "that on the right breast of the said G. Errington, she did wilfully and feloniously inflict one mortal wound," &c. she exclaimed, "Oh my great God!" and burst into a torrent of tears.

The prosecution for the crown was opened by Mr. Garrow, who demonstrated the painful execution of his office by the humane and affecting exordium with which he addressed the jury preparatory to the statement of the evidence he was instructed to adduce.

George Bailey sworn—said he was servant to the deceased Mr. Errington; saw Miss Broadric come into the kitchen on the 13th of May last: did not know her: she asked whether Mr. E. was at home? he answered, yes? and desired the gardener to shew the lady into the parlour, while he put on his shoes, and went up to inform his master, then in the drawing-room; that he saw Mrs. E. and the lady meet at the parlour door. [Here Miss Broadric shook her head and groaned deeply.] He perceived that the ladies were strangers to each other. Miss B. asked Mrs. E. if Mr. E. was to be spoken with? She answered, "Yes, ma'am; pray walk up stairs." His mistress went up first; he returned to the kitchen, and in the space of a minute he heard the report of a pistol, the shrieks of his mistress, and also his master cry out and groan! He ran up stairs, and passing some workmen, desired them to go with him, as something dreadful had happened. On entering the drawing-room, he beheld his master all over blood, and

leaning, with his left hand on his right breast, who exclaimed, "Oh God! I am shot! I am murdered!" Mrs. E. instantly ordered him to take that woman into custody, for she had murdered her husband. On this Miss B. threw a pistol out of her left hand on the carpet, and laughed, crying out, "Here, take me, hang me, and do what you will with me; I don't care now!" He told the workmen to take care of the prisoner till he came back: he then ran to the stable, took a horse, and rode for Mr. Childers, the surgeon, about a mile off; desired him to mount the horse, and make haste to his master who was shot: he followed soon after with two constables, when he found the doctor and Mrs. E. with his master. Miss B. he saw afterwards in the parlour below: that on seeing her right hand in her pocket, he told the constable he thought she had another pistol in her pocket: that the constable went behind her, and took hold of both her arms, when she said, "What are you going to do?" He replied, "Not to hurt you in the least, ma'am, but it is our duty to put these handcuffs upon you;" which they did. She rejoined, "Let me put my hand in my pocket first." The constable answered, "No!" She said, "I want to give you something." "Some other time," replied the other. The witness then asked her whether she had not another pistol. She answered, "I have!" and in a lower tone of voice said to him, "This I intended for myself!" He then sent for a woman servant, and desired her to search her; which she did, and immediately drew another pistol from her pocket.

John Eves lived at the Bull Inn, Whitechapel. Miss B. came to him about the 11th of May, and gave him a letter to carry to Mr. E. which he delivered to him on the 13th, at Grays, who asked him whether it did not come from Miss B.? He replied, it did. Mr. E. then bade him take it back, as he should see her at the fair; he took the letter to her again unopened the next day. This letter was as follows:—

Dear sir,—As I intend going to Southend on Wednesday, I wish to speak a few words to you on money affairs, as I have received no answer to the letter from Mr. — (Mr. E.'s solicitor). I fear you are deceived in the person you entrust. I wish you would meet me at the Dog and Partridge, at Stifford, as I have not had the money you promised me I should receive.

Here the evidence for the crown was closed, and several persons were called in, who proved the prisoner's insanity.

The lord chief baron, before he summed up the evidence, called the attention of the jury to the particular plea of insanity, on which the defence of the prisoner had been rested, as no denial had been set up against the perpetration of the deed, of which, indeed, there had been given the fullest and clearest evidence. The law certainly required that the will should accompany the act, to constitute a felonious murder. The defence in the present case was, that the prisoner was incapable of lending her will to the perpetration of the crime with which she stood charged. On the whole, if the jury thought the latent seeds of derangement, after a convulsive struggle of six months, had been called forth on this horrible occasion, so as to overwhelm the senses of the unhappy prisoner, they were bound in conscience to acquit her. If, on the other hand, they believed that it was the preparatory pangs of a mind intent on gratifying its revenge by the death of its object, they must find her guilty; but they scarcely need be told, that, should a doubt remain on their minds, common charity required that the balance should turn in the prisoner's favour.

The jury consulted about two minutes, and then gave their verdict—*Not Guilty*.

The judges, directed that Miss. B. should be examined before two magistrates, that she might be safely removed, under their order, to the place of her settlement, with a particular recommendation annexed thereto, that she might be treated with all possible care.

LEWIS AVERSHAW,

FOR MURDER, 1795.

LEWIS AVERSHAW, alias Abershaw, was tried at Croydon, July, 30, 1795. He was charged on two indictments: one for having at the Three Brewers public-house, Southwark, and feloniously shot at and murdered D. Price, an officer belonging to the police-office, held at Union-hall, in the borough. The other indictment was for

having, at the same time and place, fired a pistol at Bernard Turner, another officer attached to the office at Union-hall, with an intent to murder him.

Mr. Garrow, the leading counsel for the prosecution, opened his case to the court and jury, by stating that the prisoner at the bar, being a person of very ill fame, had been suspected of having perpetrated a number of felonies. The magistrates of the police-office in the borough of Southwark, having received information against the prisoner, sent, as was their duty, an order for his apprehension. To execute the warrant, the deceased Price, and another officer, went to the Three Brewers, a public-house, where they understood he was then drinking, in company with some other persons. At the entrance of a parlour in the house, the prisoner appeared in a posture as if intending to resist. Holding a loaded pistol in each of his hands, he with threats and imprecations desired the officers to stand off, as he would otherwise fire at them. The officers, without being intimidated by those menaces, attempted to rush in and seize him, on which the prisoner discharged both the pistols at the same instant of time, lodging the contents of one in the body of David Price, and with the other wounded Turner very severely in the head. Price, after languishing a few hours, died of the wound. Mr. Garrow was very pathetic and animated in his description of the several circumstances composing the shocking act of barbarity. To prove it, he would call four witnesses, whose evidence, he said, would be but too clear to establish the prisoner's guilt. The jury would be enabled to judge from the facts to be submitted to them, and would undoubtedly decide on the issue joined between the crown and the prisoner at the bar. The counsel accordingly called Turner, the landlord of the house; a surgeon; and a fourth witness; who proved the whole of the above circumstances.

Turner said positively, he saw the prisoner discharge the pistols, from one of which he himself received his wound, and the contents of the other were lodged in the body of Price, who died very shortly after. The surgeon proved that the death was in consequence of the wound.

Mr. Knowles and Mr. Best were counsel for the pri-

soner, but the weight of evidence against him was too strong to be combated by any exertions.

Mr. baron Perryn summed up the evidence, on every essential part of which his lordship made several apposite, pointed, and accurate observations. The counsel for the prisoner, he remarked to the jury, had principally rested his defence on the circumstance of several other persons being present when the pistols were discharged, by some of which, they contended the death wound might possibly have been inflicted. But, with respect to that part of the transaction, it would be proper for the jury to observe, that the witness, Turner, had sworn positively to his having seen the prisoner in the act of discharging the contents of the pistol.

The jury, after a consultation of about three minutes, pronounced a verdict of *Guilty*.

Through a presumed flaw in the indictment for the murder, an objection was taken by counsel. This was argued nearly two hours, when Mr. baron Perryn intimating a wish to take the opinion of the twelve judges of England, the counsel for the prosecution, waving the point for the present, insisted on the prisoner's being tried on the second indictment, for feloniously shooting at Barnaby Windsor, which the learned counsel said, would occupy no great portion of time, as it could be sufficiently supported by the testimony of a single witness. He was accordingly tried and found guilty on a second capital indictment.

The prisoner, who, contrary to general expectation, had, in a great measure hitherto refrained from his usual audacity, began with unparalleled insolence of expression and gesture, to ask his lordship if he was to be murdered by the evidence of one witness? several times repeating the question, till the jury found him *Guilty*.

When Mr. baron Perryn put on the judicial cap, the prisoner, unconscious, and regardless of his dreadful situation, at the same time put on his hat, observing the judge with contemptuous looks while he was passing the sentence. When the constables were removing him from the dock to a coach, he continued to vent torrents of abuse against the judge and jury, whom he charged with, as he stiled it, his murder. As his desperate disposition was well known, he was, to prevent resistance,

handcuffed, and his thighs and arms also bound strongly together, in which situation he was conveyed back to prison. So callous was he, that on his way to be tried, as he was passing near the usual place of execution on Kennington-common, he put his head out of the coach window, and, with all the *sang froid* imaginable, asked some of those who guarded him, if they did not think he would be *twisted* on that pretty spot by Saturday?

After receiving sentence of death, he was conducted back to prison, where, having got some black cherries, he amused himself with painting on the white walls of the room in which he was confined, various sketches of robberies which he had committed: one representing himself running up to the horse's heads of a post-chaise, presenting a pistol to the driver, and the words, "D—n your eyes stop," issuing out of his mouth. Another where he was firing into the chaise; a third, where the parties had quitted the carriage: and several others, in which he was represented as in the act of taking money from the passengers: being fired at, where his companion was shot dead, &c.

At the place of execution, Avershaw persevered in his audacity to the last. He appeared entirely unconcerned, had a flower in his mouth, his bosom was thrown open, and he kept up an incessant conversation with the persons who rode beside the cart; frequently laughing and nodding to others of his acquaintance whom he perceived in the crowd, which was immense.

He was afterwards hung in chains on Wimbledon common, and for several months, thousands of the London populace passed their Sundays near the spot, as if consecrated by the remains of a hero.

MR. WILLIAM STONE,

FOR HIGH TREASON, 1796.

ON Thursday, January 28th, Mr. W. Stone, who had been under confinement for two years, on a charge of high treason, was brought up for trial in the court of King's Bench. About eighty names were called over before the jury was formed.

Mr. Barlow read the indictment, which consisted of two counts, including fourteen overt acts of treason; charging the prisoner with traitorously conspiring with his brother, John Harford Stone, (then in France) to destroy the life of the king, and to raise rebellion in his realms; with holding correspondence with the persons in power in France; and collecting the sense of the people of this country, in order to ascertain whether an invasion might be successfully attempted, and with sending such information to the enemy. He was further charged with traitorously corresponding with the rev. Mr. Jackson, (sometime since capitally convicted of high treason, who died before the day of execution), in learning the probable success of invading Ireland; and with having sent intelligence and various useful articles to the enemy.

The attorney-general then stated the circumstances of the case at full length; the leading features of which appeared to be, that Stone had a brother, J. H. Stone, settled at Paris, who considered himself, in fact, as a Frenchman; which appeared particularly from one of his letters, in which he said, "*We have declared war against you. Holland will soon be in our possession, and England will afterwards follow.*" With this brother by means of Jackson, lately convicted of high treason in Ireland, Stone kept up a correspondence, and gave him all the information he could procure, to be communicated to the French government, as to the probability of success which might attend an invasion of England by France. In the course of this enquiry it appeared, that Stone had communications with Mr. Sheridan, lord Lauderdale, William Smith, esq. M. P. and others; and that from the information he obtained, he became satisfied that from the general loyalty of the people here, an invasion was by no means likely to succeed; but that in Ireland success was more probable. Jackson was accordingly sent there, and supplied with money by Stone, to obtain such intelligence, and to lay such plans as might tend to assist the views of the French. It appeared that Stone communicated to his brother the little prospect of the success of an invasion here, in order to dissuade those exercising the powers of government in France, from undertaking a scheme likely to be so fatal to their interests.

The attorney-general, alluded to several letters between the prisoner under the fictitious name of Enots, (Stone reversed) his brother; Jackson (in the name of Popkins); Horne Tooke, and others; all tending to shew the criminality of the prisoner; concluding a very able and argumentative speech by observing, that the counsel for the prisoner might say, that he had acted for the interest of England, inasmuch as, instead of promoting, he had prevented, an invasion! But how could that be said? for if he knew of an intention of invasion, and had not communicated his knowledge to those most bound and most competent to counteract it, he prevented his country from gaining a decisive advantage, by the loss that would accrue to the enemy from their failure; and by forewarning them, he proved himself equally their friend, and the enemy of England. If he had been for England, the way was very short; but his conduct clearly shewed he had been for France. It therefore remained with the defendant to make his innocence appear. His property, his honour, and his life, depended now on his conviction or his acquittal. The jury were invested with a very solemn and very important duty. They were called upon to grant equal justice to the defendant, and to society. As they must guard themselves against any impressions which the misrepresentations of the prosecutors might make upon their minds, so must they have an equal guard against any false impressions made by the counsel for the defendant. In the deliverance they were to make, if the evidence was defective, they would readily acquit; but if the proofs were satisfactory, the country called for their conviction.

William Smith, esq. M. P., Mr. Sheridan, and lord Lauderdale, were called as witnesses, to relate some conversations they had with Stone on the subject of the state of the country; the general result of which appeared to be, that they considered him as a weak enthusiast, who was desirous of bringing about a peace, for the sake of favouring, what he considered, principles of freedom.

Having proved the conspiracy between Jackson and Stone, several letters of the former were produced, particularly one which pointed out the certain parts of Ireland most favourable to an invasion by the French;

Mr. Cockayne, the evidence against Mr. Jackson in Ireland, was also called, and stated the whole of his connection with Jackson, nearly the same as he did on that trial.

At half-past ten, the court, with consent of counsel, adjourned to nine o'clock the next day. And at nine on Friday morning the court proceeded on the trial.

The first evidence produced was a parcel of letters from the prisoner to Mr. Pitt; in which Stone pretended to make some discoveries as to the designs of the French, by garbled extracts from his brother's letters, which were produced, to shew the unfairness of the prisoner's conduct in this particular. A letter from Mr. Pitt was read, expressing his doubts as to the authenticity of the prisoner's information.

The counsel for the crown then proved the correspondence between the prisoner and Jackson, in Ireland; which being read, closed the evidence for the prosecution.

Mr. serjeant Adair then rose to open the evidence for the prisoner, and to observe on that for the prosecution. The former consisted only of evidence to character; on the latter, the learned serjeant entered into a long and accurate discussion. He began by observing, that the jury were called upon to discharge a most important, sacred, and awful duty; they were entrusted on the one hand, with the vindication of the laws of their country, and the safety of the community, of which they themselves formed a part; while the fortune, the character, and the life of a fellow-subject, were committed to their deliberation on the other. The dearest interests of the unfortunate man at the bar were in their hands! He must call him unfortunate, for whether guilty or innocent of the crime with which he was charged, no man in his situation, and having submitted to the sufferings to which he had been subject, let the innocence of his heart be as pure as it might, could be called fortunate. The verdict of the jury might put his life out of danger, and restore to him that liberty to which he had long been a stranger, but no verdict of theirs could place him in the situation he was in on the day before he was apprehended.

After endeavouring to explain the motives which

might, probably, actuate the prisoner, as arising from vanity, or affectation of consequence, Mr. serjeant Adair proceeded to state, what he considered as the outline of the facts of the case. A person of the name of Jackson, came over from France, by the way of Hull, in the character of an American merchant, with letters of recommendation from Mr. J. H. Stone to Mr. W. Stone, the prisoner. Mr. Stone, during his residence in London, shewed him some civilities, and advanced him money on his brother's account. Soon after, he went over to Ireland, where he was tried and convicted of high treason, and died; and, during his residence in Ireland, Mr. Stone furnished him with some statements of the internal situation of this kingdom. The question, for the decision of the jury then, was, whether, under these facts, they were persuaded, from what Stone knew of Jackson, that he gave Jackson these statements as information for the enemy, with the criminal intention stated in the indictment; or for the purpose of averting an impending calamity from his country? The facts were clear as sunshine, and this was the only question that arose from them. He called upon them, therefore, to consider, whether there was sufficient evidence of an overt act of treason, and if there was, it was not the encouragement of an invasion, but the prevention of that event from which so much evil would have been consequent. Jackson was convicted of high treason, in persuading the French to invade this country; whereas, the prisoner was accused of high treason, and the overt act with which he was charged was preventing an invasion. But if the motive for causing an invasion was criminal, how could the motive for preventing an invasion be criminal also?

The learned serjeant then went at length into the evidence produced; and concluded by calling several witnesses to prove the publicity with which Mr. Stone communicated the correspondence of his brother, not only to friends, but to strangers—a circumstance totally incompatible with that guilt with which he was charged. He also called very respectable evidence, that so far from his harbouring treason to the country, he, on the reverse, was loyal to his king, and a firm

friend to the constitution. Several persons were then called, all of whom gave evidence to the prisoner's good character, and some to the circumstance of the publicity used relative to his correspondence with his brother.

Mr. Erskine then addressed the jury considerably at length, on the whole of the case, as did also the solicitor-general in reply, on behalf of the crown.

Lord Kenyon summed up the evidence. He was for tempering justice with mercy; but this maxim could not sanction the court in suffering a criminal to escape; if it were proved that he had grossly offended the law. He rested wholly on the second count, which stated an adherence to the enemies of the crown. He quoted the opinion of the late lord Mansfield, that letters sent to a power at war, instructing them how to shape their efforts, came under this branch of the statute, and are an overt act of high treason. His lordship read to the jury what he called the two emphatically important papers; the letters of Mr. Smith and Mr. Vaughan. There was no criminality, he admitted, in either of those letters; the only guilt being in transmitting them to the enemy. His lordship went over the whole with remarks, and concluded a strong and warm charge, by putting those papers into the hands of the jury, leaving it to them to judge of the intention of the prisoner from the overt acts.

Mr. justice Lawrence remarked, it was for the consideration of the jury, whether the information sent through Jackson to France, had for its object a design of serving the French, or averting an invasion.

About eight o'clock the jury took some refreshment, and then retired to consider of their verdict.

The judges took refreshment on the bench, where they remained till eleven o'clock, when the jury returned, bringing in the prisoner—*Not Guilty*.

The words were scarcely pronounced, when an instantaneous and unanimous shout arose in the court, which was loudly joined by a numerous crowd in the hall. A gentleman, named Richard Thomson, was observed to have joined in the shout, and was immediately ordered by his lordship into the custody of Mr. Kirby. Mr.

Thomson apologized to the court, by saying, that his feelings on the joyful occasion were such, that if he had not given utterance to the joy which arose within his breast, he should have died on the spot.

Lord Kenyon replied, that it was his duty to suppress the emotions of such tumultuous joy, which drew contempt on the dignity of the court. His lordship ordered that he should pay a fine of £20. for his misconduct, and remain in custody till payment.

Mr. Thomson tendered his check for the sum, but was refused, and he was taken into custody.

The crowd without caught the spirit of those within; and the hall as the judges retired, was filled with acclamations of joy.

A detainer was lodged against Mr. Stone for a considerable time, immediately after his acquittal. He was, however, liberated from his confinement in Newgate on Saturday the 13th of February following.

CROSSFIELD, LE MAITRE, HIGGINS, AND SMITH,

FOR CONSPIRACY, 1796.

ON the 11th of January, the prisoners were placed at the bar of the Old Bailey, charged with a conspiracy to assassinate the king. They all pleaded not guilty. Some consultation was then held at the bar, when Le Maitre, Higgins, and Smith were remanded, and Crossfield was put on his trial.

The attorney-general addressed the jury; and having concisely stated the law, submitted to them the following accounts of the facts of the case:—Some time since, a man of the name of Upton, before the highest magistrates of the county, his majesty's privy council, accused himself and several others, directly with the design of assassinating his majesty. Among the persons so accused, was the prisoner at the bar, who thought proper not to abide the justice of his country, but to fly from it. The prisoner at the bar, in company with Upton and others, went into a brass-

founder's, where they endeavoured to procure a brass cylinder, extremely smooth in the internal surface, of the length of three feet, and with a bore of five-eighths of an inch. From thence they went to another brass founder's, on Snow-hill, where they endeavoured to procure the same article; and upon the man's wishing to know for what purpose it was intended, he was answered that it was a secret. A third brass-founder was also visited upon the same errand, by the prisoner and Upton; and from thence they went to one Hill, who was a turner, in Bartholomew Close, for the purpose of his turning them models of the instrument he was to make. In answer to his inquiry for what purpose it was destined, he was told, for an electrical machine. From another witness, named Cuthbert, the jury would hear, that they examined an air-gun. There were also drawings of the instruments, which would be submitted to their inspection, and they would perceive that, the arrow was of a peculiar construction; it had points or barbs, which, upon meeting any hard substance, collapsed in the head of the arrow, and afterwards opened again, so as to prevent its being withdrawn when once it had entered the flesh; and towards the point, there was a small hole for emitting any liquid, which might be placed in a cavity prepared for holding it. The consideration of one of these drawings might be important in the cause, because the dimensions marked in the margin were the hand-writing of the prisoner.

When the information of Upton was received before the privy council, as he had before informed them, the prisoner at the bar absconded, and they should be able to trace him to Bristol; afterwards he returned to London; then went to Portsmouth, where he entered on board a vessel bound for the southern whale-fishery, as surgeon. The name of this vessel, was the Pomona; and shortly after he came on board, they sailed from Portsmouth to Falmouth, during which time his behaviour was in every respect becoming and decent. When he was at sea, however, he told them who he was, and avowed his having been concerned in a plot to kill the king by an air-gun; and said, that, if go-

vernment knew he was on board that ship, they would send a frigate after her, to bring her back. It so happened, that two days after they were at sea, they were captured by a French corvette, *La Vengeance*; and he expressed the utmost satisfaction at the thoughts of going to France, feeling himself much safer there, than while amongst an English crew. They were put on board another ship, the *Elizabeth*, and afterwards again transferred at Brest to another. During this time he rather acted as a superintendant of the prisoners, than as one himself. He had frequent conversations with the French commissaries, and made several declarations as to his former and future intentions of killing the king. It seemed then his intention to remain here or go to Holland but upon the arrival of a cartel ship, he came home under the name of H. Wilson, and described himself as one of the crew of the *Hope*, and not of the *Pomona*, as he really was. Upon his passage home, he endeavoured to persuade the witnesses not to notice when they got home what passed at Brest, nor the circumstances of the change of ship and name. They were landed at Fowey in Cornwall, and upon the men giving information to the magistrates of what had passed, he was instantly apprehended. In coming to town, he endeavoured to persuade the officers to let him escape, and told them they could not expect above five shillings for their job, but he could reward them much more liberally. One asked, if they consented, what they could do with the post boy? He answered, the boy might be easily secured by one of the pistols which the officer carried. Having thus gone through the circumstances of the case, the attorney-general observed, there were two points for the consideration of the jury, the first, whether the prisoner was a party to the fabrication of this weapon; and secondly, whether it was designed for the charged purpose in the indictment. He then proceeded to call evidence to substantiate the case.

The evidence for the crown being closed; Mr. Adam, counsel for the prisoner, said, he was afraid his case would take up a great length of time; he therefore submitted to the court, whether they would ad-

jour, or whether they wished him then to proceed. After some consultation between the judges and the jury, the court adjourned at eleven at night to the next day.

On the following day, the 12th, the trial proceeded, when the prisoner's counsel addressed the jury in his defence. They relied chiefly on the equivocations of the witnesses, on the prisoner's character; and that Upton, in his information, was actuated by motives of revenge, for having been disgraced in one of their clubs.

The attorney-general replied in a very able manner: and the judge having summed up, the jury, after retiring about two hours, brought in a verdict of—*Not Guilty*.

JOHN SELLERS,
ELIZABETH JONES, AND RICHARD FOOTNER,
FOR MURDER, 1796.

THOMAS YATES, esq. a lieutenant in his majesty's royal navy, an artist of some merit, and great-nephew to a celebrated comedian, lost his life in consequence of a dispute with Miss Jones, relative to the possession of the theatrical veteran's house in Stafford-row, Pimlico, which Miss Jones considered to be her property, and in which, for a short time they both resided. On the 18th of August, 1796, Mr. John Sellers was brought into the house to protect Miss Jones and her property, and on the 21st, Richard Footner was introduced for the same purpose. On the 22nd, the wife of Mr. Yates being absent, he dined alone, about three o'clock; and walked after dinner into the garden, at the back of the house. On his return, the door being fastened, his servant, Mary Thompson, attempted to get him in at the kitchen window. One of the persons who had fastened him out, finding that he was likely to gain admittance, fired a pistol, the ball from which entered the right side of Mr. Yates. The noise creating an alarm, some neighbours climbed over the garden-wall, when they found Mr. Yates bleeding. Dr. Cruikshanks attended him twice the same evening, and gave hopes of his recovery; but next morning, pronouncing the wound mortal, Mr. Yates made his will, and expired

about noon, leaving five children and a widow (the elegant actress) pregnant with a sixth. In consequence of the coroner's inquest, Sellers, Footner and Elizabeth Jones were, after a regular examination, fully committed on the charge of wilful murder; and on the 16th of September they were put on their trial, at the bar of the Old Bailey; the former on the charge of having wilfully and maliciously wounded Mr. Thomas Yates, with a pistol ball, of which wound he died; and the two latter for aiding and abetting in the said murder. The evidence of the servant, Mary Thompson, varied from her former deposition before the magistrates, before whom she swore that Mr. Yates pushed away the pistol with his hand when presented by Sellers; but contradicted herself in this particular on the trial,—that Mr. Yates did not touch the pistol, nor was it possible for him to reach it; though on her first examination she had sworn that Mr. Yates had hold of it, and was struggling with it at the moment it went off.

It came out in evidence, that Mr. Yates behaved in a quarrelsome manner in the house, having threatened Miss Jones with personal violence. Sellers, in his defence, denied all intention of killing Mr. Yates, but said that the pistol went off owing to Mr. Yates taking hold of it; and that he had desired to be furnished with the pistols for his personal defence, as Mr. Yates had repeatedly threatened to bring in several persons to turn them out by force. He had only been shut out for the purpose of keeping him out till the attorney, who had been sent for, should arrive; and that his taking the pistol was the impulse of the moment and was only intended to have intimidated him; and that Mr. Yates himself seized hold of the pistol to wrest it from him.

Miss Jones, in her defence, went into the particulars of her first engagement with the late Mr. Richard Yates, and of her performing at the Birmingham theatre; of the will in her favour; and of the turbulent behaviour of the deceased; disclaiming all idea of his murder; and that she would have willingly resigned every shilling of the property to have saved Mr. Yates's life. Footner said little more than accounting for his being in the house in the way Sellers had previously related, merely calling as an acquaintance of Sellers'. Evidence to

character was only called in favour of Sellers; when several persons proved him a quiet, humane, inoffensive man.

The learned judge, Rook, then proceeded to sum up the evidence. He thought Miss Jones and Mr. Footner ought clearly to be acquitted of wilful murder, as they did not know that Sellers had the pistol, and it was not intended to keep Mr. Yates out by violence. With regard to Sellers, the jury should consider whether he fired the pistol wilfully: if he did, he was guilty of murder; if the pistol went off by accident, it was only manslaughter.

The jury retired for a few minutes, and brought in the verdict—John Sellers *Guilty of manslaughter*: Elizabeth Jones and Richard Footner, *Not Guilty*. There were five wills or testamentary papers, each of which were uniformly in favour of Miss Jones.

FRANCIS DUNN,

FOR MURDER, 1796.

FRANCIS DUNN was indicted for the wilful murder of David Brewer, by giving him several wounds on the head, and in the side, with a clasp knife, on Thursday the 10th of November; and William Arnold, and William Ryan, for aiding and abetting him in the said murder. On the night of Wednesday the 9th of November, the patrols observed two men go up Pipe-makers' Alley, near Cow Cross, and following them up, observed one of them, which proved to be Dunn, with a knife in his hand. They interrogated him as to what he was doing with it; but he refusing to satisfy them, they took him to the watch-house, of which the deceased, Mr. Brewer, was the keeper. However, as they had no charge against them, and a publican appeared in their behalf, they were discharged. The next night there was a club held at the Sun, Cow Cross, at which, among others, was a witness of the name of Toombs, who stated that, on his refusing to sing, several persons insulted him; and that the prisoner, Dunn, even went so far as to tear his coat, on which he went down and brought up three watchmen. On their coming into the

room, and one of them proposing to secure the door, they all, to the amount of twenty-five or twenty-six, began to attack the watchmen. Dunn knocked one of them down: and they were glad to get out of the house, in doing which they were followed by the whole that were in the room. From one Harris, another of the club, it appeared, that when they got into the street, they missed one of their party; whereupon they returned to the Sun, and, finding the door fastened, Dunn and Ryan got in at the window, and then opened the door for the rest; but not finding their companion, one of them suggested he might be taken to the watch-house, to which Dunn went first, Williams next, then Arnold, and the rest followed. Another witness and the deceased, Brewer, seeing them coming, closed the upper part of the door, it shutting with a hatch; this they soon forced open, and three of them entered; when two women swore to seeing one of them strike Mr. Brewer over the head, and another punching him on the side. They then came out, and being met by another party, Dunn said to them, "D—n him, I've cut his——eyes out." Dunn at this time had a knife in his hand, which as he came out of the watch-house, he was noticed to wipe on his coat. Arnold also had a knife in his hand; and it was proved by several witnesses, and two accomplices, that the whole party proceeded in a riotous manner, knocking down several watchmen, and that Dunn in particular kept his knife in his hand, and seeing one of the patrol at the corner of the street in their way, he ran up to him, and cut him under the chin, and his coat behind; and after this he made a thrust at a gentleman whom they met, as he was turning up Saffron-hill.

After they left the watch-house, Mr. Brewer came to the door, wiping his face, and standing, as the witnesses termed it, in his blood. He was afterwards taken to St. Bartholomew's hospital, and on the Saturday evening he expired; previous to which, however, he said to one Willey, and to Coleman, that he was a dead man, and that he believed the man whom they brought to the watch-house the night before with a knife, was one of them that had cut him, and "the cutting drover" another. On being asked if he meant Arnold, he answered yes.

The surgeon described Mr. Brewer to have received three wounds, one at the top of the head through the skull, another in the left temple down to the chin, which went the whole length to the bone, and a third under the bladebone of the right shoulder, three inches long and one inch deep; these wounds brought on an inflammation, and that inflammation a fever, and were consequently the cause of his death. Arnold was taken up the next day in Smithfield; Ryan, a few days after, on board the *Sanspariel*, at Spithead; and Dunn, in the neighbourhood of Cow Cross.

Being called upon for their defence; Ryan said, conscious of his own innocence with respect to the murder, he should leave it with his counsel.

Mr. justice Grose then summed up the evidence, and explained the law upon the case, particularizing the different points as far as they were corroborated against either or all the prisoners; observing also the difference, as it appeared to him, there was in the guilt of each of them.

The jury, after remaining out of court about twenty minutes, brought in their verdict---Dunn and Arnold, *Guilty*; Ryan, *Not Guilty*.

As the recorder was proceeding to pass sentence on them, Dunn said he had a favour to beg of the court, which was, that as but one life had been lost, the law would be satisfied with one as an atonement. He sought not to save his own life, for he had, unfortunately, for the last ten years, committed innumerable offences; and therefore if mercy could be shewn, his fellow sufferer was more deserving of it than himself; all he could hope for was the indulgence of a little more time than was commonly allowed in these cases, to make his peace with God. The recorder declared it was not in his power to grant either; and then pronounced the usual sentence. They were executed on the Monday following.

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RICHARD PARKER AND OTHERS, FOR MUTINY,—1797.

IN the year 1797, various causes of dissatisfaction prevailed among the seamen of the royal navy, and redress being withheld or deferred, the seamen of the fleet at the Nore, almost unanimously rose upon the officers, took the command of the ships, and Richard Parker of the Sandwich, took the command of the whole. For some weeks this mutiny continued, and even extended to the grand fleet at Spithead, to the terror of the nation. Parker even stopped the provision vessels sailing for London, in the hope of extorting concession and pardon.

At length the fears of the men got the better of their original resolution, and Parker and the leaders began to despair. They were desirous of submitting, provided a general pardon was granted. The crew of the Sandwich was particularly anxious and Parker did not oppose this spirit; a spirit which was strongly fomented by the arrival on board of a lieutenant, with the proclamations, acts of parliament, &c. of which the men complained they had been kept in ignorance till that time, Tuesday forenoon. In the course of that evening, the men resolved to submit to the king's mercy, conceiving that it would, no doubt, be extended to such as had not known to what extent they had offended. The Sandwich came up under the guns of the fort about three o'clock on Wednesday morning; and about half past six, admiral Buckner's boat, commanded by the cockswain, and containing a picquet guard of the West York militia, went on board to bring Parker on shore. The service was regarded as pregnant with danger. Several of the officers of the Sandwich were on deck, and few of the men appeared. As soon as Parker heard a boat was come for him, he surrendered himself to four of the ship's crew, to protect him against the outrages of the other seamen, whose vengeance he now feared. Admiral Buckner's cockswain told his business to the officers on deck and claimed their assistance. The lieutenant drew his sword, and the party, consisting of eight or ten, went down below,

R^P PARKER.*Sold & Bought at 352 Strand.*



where Parker was surrendered into their custody. They tied his hands together behind, and the officers, in a very quiet manner, conducted him into the boat. Parker, being landed, as he passed, was much hissed by those around him. He appeared a little disconcerted, but not so much abashed as might have been expected; and he said aloud, "Do not hoot me, It is not my fault. I will clear myself!" or words to that effect. He was conducted to the commissioner's. No questions were put to Parker, neither was there a single word of examination. His person was merely identified as the person of the principal in the mutiny; after which, a warrant was made out to commit him to Maidstone gaol.

The chief constable, who conducted him to Maidstone, reported that Parker appeared to be in very good spirits; calm, collected, and rather cheerful. When asked what he thought of his fate, he appeared to entertain no fear of punishment; said that what he had done was not his fault; he was persuaded to it, and forced to it; and that he should clear himself when the day of trial came, &c. &c.

All the ships, as they came in, and surrendered, were immediately cleared of their gunpowder, for fear some desperate mutineers would blow them up; for, after the *Repulse* had surrendered, an Irishman attempted to blow up the vessel. He had reached the door of the powder room with a lighted match in his hand, and had knocked down the sentinel, when he was seized. Fears were entertained that the same desperate attempt would be successfully made in the *Monmouth*, and even in the *Sandwich*. These ships, and all the mutineers, were therefore deprived of their powder.

After Parker was sent off, several more of the delegates and committee-men were brought on shore. Ten were from the *Brilliant*, and sent to *Queenborough* gaol. The principal part of them were brought from the *Sandwich*. Of these, the most notorious were, Joseph Hughes; Brooks, a serjeant of marines; and Oakless, a quarter-master of the *Sandwich*.

Three ships of the line, the *Montague*, *Inflexible*, and *Belliqueux*, still held out. They lay at the *Great Nore*. The union jack was hoisted on all of them. Two of

them lay close together, and the other was about a mile distant.

Lord Keith and some magistrates went on board the *Sandwich*, to examine the most outrageous. Those who were tried for their lives were given over to the civil power; while those guilty of less offences were tried by a court martial.

Order and subordination being restored, it became the task of government to inflict punishment on those who had, by their conduct, dishonoured their country and the British navy. Accordingly, the trial of Parker commenced the 22d of June.

At eight o'clock a gun was fired from the *Néptune* of ninety-eight guns, captain Stanhope, at anchor off Greenhithe, when the union jack was hoisted at the mizen-peak, as a signal for the trial. It was near ten before the court was formally assembled, and the doors were thrown open, when Richard Parker, late a supernumerary seaman on board the *Sandwich* guard-ship lying at the Nore, was brought into court, in custody of a deputy marshal provost of the admiralty, and placed at the left hand of the judge advocate—the provost standing by his side with a drawn sword.

The charge was read by the judge advocate, Mr. Benfield. It accused the prisoner of various acts of mutiny committed on board his majesty's fleet at the Nore, of disobedience of orders, and of contempt of the authority of his officers.

Captain Moss, of the *Sandwich*, attended as prosecutor on the part of the crown.

Vice-admiral Buckner being sworn, his testimony was to the following effect:—

That on or about the 20th ult. he had seen the prisoner parading about the town of Sheerness, with a red flag displayed;—that on his going on board the *Sandwich* for the purpose of announcing to the mutineers his majesty's proclamation of pardon, provided they immediately returned to their duty, he was not received with the respect due to his rank—the officers of the ship had been deprived of their side arms and of all command; after waiting for a considerable time on board, Parker and others went on the quarter-deck, and said, that none but themselves should be present there. The prisoner then tendered the admiral a paper, containing what he and others called a list of grievances, saying, at the same time, that until they were redressed, they would not give up the power they held in their

hands; and that they must have the attendance of the board of admiralty to ratify the same.

On or about the 22nd of May, certain troops arrived at Sheerness, when the mutiny began to assume a still more formidable appearance. On the 23rd my flag was struck on board the *Sandwich*, without any orders from me. About that time, or in the evening of that day, while I was examining the complaints alleged against two marines who had been brought in by a party of the military, the prisoner and a man named Davis, with, I believe, three or four others, came abruptly into the commissioner's house at Sheerness, and demanded, why those men (the marines) were in custody? informing me, at the same time, that my flag was struck, that I had no longer any authority, and that the power was in their hands. They then, (Parker being their spokesman), took the men away, as they said, to try them for being on shore; Parker telling me, on my remonstrating with him on the outrageous nature of his conduct, that he was not to be intimidated. About the 4th of June, I received a letter from the prisoner Parker, in which he styled himself president of the committee of delegates, stating, that the administration had acted improperly in stopping the provisions of the men, and that their foolish proclamation was calculated to inflame the minds of honest men. The admiral stated other instances of disrespect on the part of the prisoner, who always acted as the spokesman of the other delegates. Admiral Buckner, in his cross-examination by Parker, admitted that Parker was not in the *Sandwich* at the time of his going on board; that he knew not whether he was the cause of the disrespect with which he had been treated, and that the prisoner had apologised for the same, and imputed it to error. The prisoner, to a question from the court, answered, that he had no observations to make which might invalidate that part of the admiral's evidence relative to taking away the marines, and his assertion to the admiral, that his authority was at an end.

Lieutenant Justice, of the *Sandwich*, proved a general mutiny, and that his orders, (he then being the commanding officer), had been disobeyed. Captains, O'Bryen, of the *Nassau*; Fancourt, of the *Agamemnon*; Cobb, of the *Clyde*; Parr, of the *Standard*; and Harcourt, of the *Leopard*, were asked if they knew the prisoner, and if he had been on board their respective ships?—their answers were in the negative. Mr. Snipe, the surgeon of the *Sandwich*, proved having been ordered by the delegates to attend the punishment of a man, sentenced to be flogged by them for drunkenness, and that Parker, standing on the gangway, told the ship's company, that whoever disapproved of the sentence, and did not obey the orders of the committee, might expect to share the same fate. He had afterwards occasion to attend the committee respecting the sick, and on all such occasions Parker acted as spokesman and president, and had directed the witness to address himself to him.

Captain Surridge, of the *Iris*, and captain Dixon, of the *Espion*, the latter of whom accompanied admiral Buckner on board the *Sandwich*, confirmed the admiral's testimony.

On Friday, June 23, the court met at ten o'clock.

Captain John Wood, of the *Hound* sloop, sworn.—I know the prisoner perfectly; he was on board the *Hound* in April last, and was sent from on board the *Hound* to the tender. I saw nothing of the prisoner till the 2nd of June, when he came on board the *Hound*, on her arrival at the Nore: he then told me, he had the honour of representing the whole fleet, an honour which he should never forget; that he understood I had been very violent with some of the delegates, and he advised me not to be so violent, or I must take the consequences. He then told me, he did not like the ship's company; that he knew they were attached to me, for which reason he should put the ship in a safe birth, where she should not make her escape. He ordered the pilot to put the ship under weigh, and carry her as close to the Sandwich as possible. The pilot told him it was an improper time of tide. He replied, that if the pilot did not choose to put her under weigh immediately, he would find means to make him; and at the same time pointed to the yard rope. The pilot got her under weigh, and laid her close to the Sandwich, when the prisoner ordered the anchor to be let go. We were then hailed from the Sandwich, and told that we were too near; the prisoner replied, "I think we are, Mr. Davis." He immediately turned to the pilot with threatening language, "You have committed one mistake, take care you don't commit another; if you do, I'll make a beef steak of you at the yard arm." He ordered him to get under weigh again, and moor the ship between the Sandwich and the *Inflexible*. This was done, and she was laid under the Sandwich's quarter. When the prisoner had the hands turned up, and harangued them forward, he asked if they had any complaints against their officers? that those whom they disliked were to be turned on shore; and those they liked to be kept on board. After this, about ten o'clock, I was taken out of the ship; I asked by whose order it was done? A man, who called himself a delegate from the Sandwich, said, by order of Parker, the president. I afterwards saw the prisoner rowing about the fleet with a red flag and a band of music, with others sitting along with him in the stern sheets, going from ship to ship, and talking to their crews, who cheered him as they passed. There was a man on board the *Hound* put in irons by order of Parker. The prisoner did not confine me, nor any of my officers; but he told me I must have nothing to do with the ship. He also told me and the other officers, that he pitied our situation, but he must go on for the good of the cause he had embarked in.

Lieutenant Flatt, of the Sandwich, sworn.—My first knowledge of the prisoner was upon admiral Buckner's coming on board; I then saw him giving a paper to admiral Buckner, stating the grievances of the fleet, and heard him say, that he was president of the delegates of the fleet. On the 2nd of June, he desired me to go over on the starboard side of the deck and receive orders; "You are ordered, sir," said he, "to receive 111 men from the tender, and to give a receipt for them as usual, and we are answerable for what we do." He mustered the men,

and I gave the receipt. I was sent for again, and ordered to give a receipt for fifteen men from the Lynn tender, which I complied with. I was told by Davis, that it was by order of the prisoner and the committee. On or about the 9th of June I was a prisoner in the ward room; I saw the prisoner passing under the stern of the ship in a boat, and heard three cheers given him over head. The prisoner turned round, and said, he was going on board the Director to bring a spring on her cable, and would send her and them (meaning, I believe, the Repulse) to the devil. The Repulse was then a-ground. I saw the prisoner go on board the Director, and saw a spring on the cable. A very heavy fire then commenced on the Repulse from that ship. I did not see the prisoner return. On the 14th, Parker proposed that lieutenant Mott should be sent on shore for the king's proclamation, which being received and read, the prisoner gave three cheers. He then gave me the keys of the magazine, and said, "I give up the charge of the ship to you." The prisoner afterwards came and desired me to confine him. I then told him, I would order him to the cabin, and put two sentinels over him: he refused going, and said he would heave at the capstern. This was on Tuesday evening. I consulted whether it was proper to confine the prisoner while we were under weigh, or wait till we got into the garrison of Sheerness; and it was agreed upon that he should be confined immediately. Lieutenant Mott and myself went and met the prisoner on the quarter-deck; lieutenant Mott laid hold of him by the collar, and brought him down to the lower deck, put him in a lieutenant's cabin, and placed two sentinels over him. The morning after, I went down at four o'clock, and, by admiral Buckner's orders, put him in irons. The prisoner was afterwards carried on shore by captain Moss's orders. In his cross-examination by the prisoner, lieutenant Flatt observed, that Parker's conduct, subsequent to the reading the proclamation, was submissive and respectful.

Mr. Levingston, boatswain, and Samuel Hillard, carpenter, of the Director, swore to the prisoner's having gone on board their ship, while the Repulse was aground: they severally deposed, that when the prisoner came on board, he came aft on the quarter-deck, and requested a boat to go with a flag of truce on board the Repulse to save innocent blood; but then he ordered all hands to be called. The boat was denied. He then wanted to slip the ship's cable to go along-side of the Repulse, which was denied. He upon this ordered a spring to be got on the cable, to bring her broadside at once to bear on the Repulse. When the spring was on, he ordered it to be hove in, and to bear away the best bower. As the ship came round, he ordered them to point her guns at the Repulse. A gun was fired from the Repulse. Then the prisoner gave orders to fire at the Repulse from all the decks, as she had fired first; and the order was repeated by one of the delegates of our ship, and was complied with.

Thomas Barry, a seaman of the Monmouth, sworn.—When the prisoner came on board the Monmouth, at the time the Repulse

was endeavouring to escape into Sheerness harbour, he took the command of all the Monmouth's fore-castle guns. The gun which I attended was fired six times at the Repulse; when the gun was going to be loaded the seventh time, he was not content with a nine-pound shot that was in her, but took a crow bar, and put the thick end in first; I immediately took it out of his hand, when he gave me a shove, and I fell over the heel of the top-mast. After that I was kept forwards on the fore-castle by one Vance, a quarter-master, who acted as captain of the ship. Being there an hour and a half, I came on deck, when the prisoner was standing on the heel of the top-mast. He ordered Vance to slip the bower, and go along-side the repulse, and send her to hell, where she belonged to, and shew her no quarter. After that, he said, he did not stay any longer on board the Monmouth. In answer to a question from the president, he said, that the prisoner fired the aftermost gun on the fore-castle, but he did not know that there were any guns fired from the Monmouth, before the prisoner came on board.

John Summerland, boatswain's mate of the Monmouth, related the circumstances which took place on board the Monmouth.—I saw the prisoner standing on something as if he was going to make a speech. Captain Vance wanted to speak first, but the prisoner would not allow it; he would insist on the ship slipping her cables. The ship's company would not agree to this. Parker then said, he would go to another ship, which he would take along-side of the Leopard, and send her to hell. In the mean time, the Repulse got off; and upon that, Parker shook his fist, and said, "D—n her, she is off." He then went on board the Sandwich.

On Monday, the 25th, the court met at nine o'clock, and the prisoner being brought in, was ordered by the president to make his defence, and support it by evidence.

Prisoner.—As I have been at sea from my youth, as is well known to a number of this court, I hope it will not be expected that I should dress up my defence in the language a lawyer would have done, if I could have employed one. Nothing supports me but the consciousness that what I did was in compliance with orders, for the purpose of rendering it less disastrous than it would otherwise have been, had I not entered into the mutiny. Every thing I did was solely for the purpose of conciliation. I was on shore when admiral Buckner came on board; and I told the admiral afterwards, that I was sorry he had not been received with the usual marks of respect, and the ships should cheer him if he wished it. The admiral had stated that a bustle was made to man the side: this bustle was made at the risk of my life. An opinion had been propagated on board the different ships, that admiral Buckner was not competent to settle the discontents subsisting in the fleet; and the Inflexible had declared, that if any respect was shewn to the admiral, she would come along-side of the Sandwich, and sink her. Not-

withstanding all that had been said respecting the *Sandwich*, it was not there the mutiny began; it originated in the *Inflexible*; and there it was always the most violent. Admiral Buckner's flag was hauled down without my knowledge; it was struck when he was going on shore with the propositions of the committee.

With regard to the marines who were taken from the admiral's house, the admiral permitted me to examine them; and, upon my putting some questions, the admiral observed, "Now, Parker, you are coming to the point." The marines were then delivered to the delegates, and it was desired that they should be confined when they went on board.

When he saw admiral Buckner, after his flag was struck, the admiral said, "Parker, my flag is struck; consider my feelings." He answered, "I have feelings, admiral Buckner, and I do consider your's; I am sorry to see it, but it is not in my power to prevent it."

Captain Surridge, of the *Iris*, says, he recollects my being ashore the last time, and saw the delegates of the North sea fleet give me the additional articles; this evidence says he never saw any disrespect in me.

I went to captain Wood, in order to befriend him; though he was sent out of the ship, I never knew it till he deposed it, and he did not produce the man who told him that I ordered it.

Parker then recapitulated much of the evidence, without any comment. To account for his being on board the *Director*, he said, he went to order the band to play the tunes, "God save the King," "Rule Britannia," and "Britons strike home." When he was told the *Director* was preparing to fire, he went directly on board to prevent it; and having first in vain addressed the crew, he asked if she would slip her cable, to see how far they would go, and was glad to find them refuse; but they being determined to fire, he was obliged to yield to the storm, and pretend to join in an act his heart abominated.

He then animadverted on a few points of Barry's evidence, declaring he must have mistaken him for some other person, Perceiving that the *Monmouth* was very active in firing on the *Repulse*, he went on board to endeavour to appease the crew. It would have been an idle Quixotic adventure, to attempt, at that time of the tide, to follow the *Leopard*. He should prove that the *Director* and the *Monmouth* both fired on the *Repulse* before he went on board. Before the *Sandwich* was delivered up to her officers, a signal was made for the delegates to assemble on board the *Montague*, and their proceedings then were extremely violent, and he did not go.

William Livingstone, boatswain of the *Director* and Samuel Hallard, carpenter of the *Director*, heard me ask for a boat to go with a flag of truce to prevent innocent blood from being shed; they heard the guns fire, but did not hear me give the orders.

I have, (said he), only a few words to add, not to remind the court that where mercy can have place it ought to be shown, being convinced, from the candid manner in which they have

acted, that justice will be done; but to request that they would be pleased to scrutinize the evidence of Barry with the utmost rigour. I have said this for the purpose of clearing my character, which is dearer to me than a thousand lives; and, however my conduct has been misrepresented in the public prints, I trust my innocence will appear. My country allows me justice, and justice I am sure I shall have from this honourable court."

Having finished his defence, which he read from a paper, he was allowed by the court to withdraw for a short time.

Lord Northesk, captain of the *Moumouth*, was then called and sworn, and being examined by the prisoner, stated that he was on board the *Sandwich* on the 6th of June; that the seamen in the cabin said they were very loyal; and that the band, by the prisoner's orders, on his entering the cabin, struck up "*God save the King*;" that the prisoner appeared to his lordship as president and chief spokesman of the delegates; and that the letter, demanding a redress of grievances in fifty-four hours, was delivered to him by Parker, by direction of all the delegates, and that they declared they were neither jacobins or traitors.

Captain Knight, of the *Montague*, deposed, that he was on board the *Sandwich*, he heard the band play "*God save the King*," and "*Britons strike home*;" and also heard the crew and the prisoner himself, say, that they venerated their sovereign; and he further heard the prisoner say, if there was a certainty the enemy were at sea, they would take the fleet under their own direction, and go in search of them; and if the Dutch fleet were then in the *Texel*, he would lead the fleet in and attack them, to prove to the nation that they were neither rebels nor traitors.

Several seamen were examined to the same effect.

Prisoner.--I have no more witnesses; I hope the court will recollect, that by the evidence for the prosecution I was ready and assisting in giving up the *Sandwich* to her officers; and I hope they will consider all the circumstances of my case with liberality and candour.

President.--You may rely that the court will give due weight to every circumstance in your favour.--Take away the prisoner, and clear the court.

At half-past four o'clock the prisoner was called in again, and the court thrown open. The judge advocate then proceeded to state that the court having heard evidence on the charges, and the prisoner's defence, are unanimously of opinion, *That the whole of the charges are fully proved; that the crime is as unprecedented as wicked, as ruinous to the navy as to the peace and prosperity of the country. The court doth therefore adjudge him to DEATH; and he is ordered to suffer death accordingly, at such time and place as the lords commissioners of the Admiralty, or any three of them, shall appoint.*

Parker with a degree of fortitude and undismayed composure, which excited the astonishment of every one spoke as follows:--

"I have heard your sentence--I shall submit to it without a struggle.--I feel thus, because I am sensible of the rectitude of

my intentions. Whatever offences may have been committed, I hope my life will be the only sacrifice—I trust it will be thought a sufficient atonement. Pardon, I beseech you, the other men—I know they will return with alacrity to their duty."

On Friday, the 29th of June, the prisoner, who had taken his usual repast, in the birth allotted to him in the gun-room, and passed the night in great composure, was awakened a little after six o'clock from a sound sleep, by the marshal provost, who, with a file of marines, composed his guard. He arose with cheerfulness, and requested permission might be granted for a barber to attend him, which was allowed; he soon dressed himself in a neat suit of mourning (waistcoat excepted), sent him by a friend of the name of Templar, wearing his half boots over a pair of black silk stockings: he then took his breakfast, talked of a will he had made, in which he had bequeathed to his wife a little estate he said he was heir to; and after that, lamented the misfortune that had been brought on the country by the mutiny; but solemnly denied having the least connection or correspondence with any disaffected persons on shore; and declared, that it was chiefly owing to him, that the ships had not been carried into the enemy's ports. At half-past eight, he was told the chaplain of the ship was ready to attend him to prayers upon the quarter-deck, which he immediately ascended, uncovered. At his first entrance on the deck, he looked a little paler than common, but soon recovered his usual complexion; he bowed to the officers, and a chair being allowed him, he sat down a few moments, and steadily surveyed the military array of marines under arms, round the deck. At nine o'clock the preparatory gun was fired from l'Espion, which he heard without the smallest emotion. Prayers being soon after closed, he rose, and asked captain Moss if he might be indulged with a glass of white wine, which being immediately granted, he took it, and lifting up his eyes, exclaimed—"I drink, first, to the salvation of my soul!—and next, to the forgiveness of all my enemies!"—Addressing himself to captain Moss, he said, he hoped he would shake hands with him; which the captain did; he then desired that he might be remembered to his companions on board the Neptune, with his last dying entreaty to

them, to prepare for their destiny, and refrain from unbecoming levity.

Ascending the scaffold, he asked the captain whether he might be allowed to speak ; and immediately apprehending his intention might be misconceived, he added, " I am not going, sir, to address the ship's company—I wish only to declare, that I acknowledge the justice of the sentence under which I suffer, and I hope my death may be deemed a sufficient atonement, and save the lives of others." He now requested a minute to collect himself, and knelt down alone about that space of time ; then rising up, said, " I am ready." The halter being adjusted, and the cap being drawn over his face, walking by firm steps up to the extremity of the scaffold, he dropped the handkerchief, put his hands in his coat pockets with great rapidity, and at the moment as he was springing off, the fatal bow-gun fired, and the reef-rope catching him, run him up, though not with great velocity, to the yard-arm.

Several of the other leaders were afterwards tried and executed, and a considerable number were detained for years in the house of correction, Cold-bath fields.

JOHN HAYE AND TIMOTHY HICKEY,

FOR MURDER, 1798.

ON Monday, April 17, John Haye and Timothy Hickey, were indicted at Cork, for the murder of col. St. George and Jasple Uniacke, esq. The first witness was Mrs. Uniacke. She was scarce on the table, when she fainted, and became totally insensible. During her examination, she repeatedly swooned away, in wading through the horrid detail of her husband's murder, and her own sufferings. She swore, that on the night of the murder, a banditti attacked her husband's house, when she was seated in her parlour with her little boy, and a child at her breast ; that her husband had attended colonel St. George to his chamber to see that he was comfortably accommodated ; that whilst they were talking above stairs, the door was pushed in ; that a man came brandishing a pistol, followed by many others ; that not finding the gentleman in the par-

lour, they took the candle and proceeded to his room; that they seized Mr. Uniacke, drew him down stairs, and stunned him with several blows; that when they brought him into the parlour, she threw herself, with her infant child, on his body, and intreated them to spare the best of fathers and of husbands; that she then received a stroke of a pistol on the side of her head, which covered her with blood; that two wretches seized her husband by the legs, whilst four others stabbed him in various parts; that during this time, others of the party had been engaged with colonel St. George, and had dragged his mangled body, and threw it upon her and her infant, as they lay stretched on the dead body of her husband; that she crawled to her room with her child, and endeavoured to prevail on a terrified maid-servant to go down, and look after her master, having brought herself to believe that he might still be alive; that having with difficulty succeeded with the maid, she went down and confirmed her in the death of her husband and his friend.

When Mr. Quin, the counsel for the crown, requested Mrs. Uniacke to turn round, and see whether she could identify those persons, a most afflicting scene of horror took place. Mrs. Uniacke had not seen the wretches since the time she first identified them, and then but for a moment; a cold tremor instantly seized her; she turned pale, and fainted; when recovered a little from her depression, she made repeated efforts to turn round; but the fear of seeing them counteracted each attempt. "Will they hurt me?" she exclaimed; the court assured her not. At length, on her turning round, she gazed at them for a moment, and then recovering her strength, she suddenly darted from her chair, and cried, "O then I will point them out:—that is the man who murdered my dear husband; this is the man who nearly murdered me." She now sunk into her chair, her examination having given the attentive spectator an unequalled opportunity of tracing the operation of the two most powerful passions, grief and terror.

Master Uniacke's evidence was not material. The prisoners attempted an *alibi*, but their story being altogether improbable, Hays and Hickey were found *Guilty*, and dispatched for execution to the place at which the

murder was committed; and on the Monday following, Patrick Haynes was convicted as an accessory, and executed on Wednesday.

DAVID WILKINSON AND JOSEPH ADAMSON,
FOR FORGERY, 1798.

ON April 21, David Wilkinson was indicted at the Old Bailey for forging, counterfeiting, and uttering, knowing the same to be forged, a certain bill of exchange for the sum of £273: 6s. purporting to have been accepted by Messrs. Favell, Bousfield, and Co. with intent to defraud the Bank of England; the second count laid the intent to defraud Messrs. Favell and Co.

The prisoner, in his defence, entered into a long detail of circumstances respecting the bill in question, the drift of the great part of which went to throw the blame upon Adamson, a fellow prisoner, indicted for a similar offence. He dwelt on the practice among commercial men, of drawing bills reciprocally in favor of each other, for mutual accommodation, as it was a rule of the bank not to discount beyond a certain amount for one individual; that he was persuaded by Adamson to act as he had done. He urged that he had made ample discovery upon his apprehension, and concluded by an appeal to the compassion of the court, saying that he had a wife and five children.

Several witnesses were brought forward to establish the points of the prisoner's defence; but in this, in the opinion of the court, they failed, the indication of evidence appearing rather to the advantage of Adamson. Several respectable witnesses gave the prisoner, Wilkinson, an excellent character.

The jury retired for about half an hour, when they pronounced a verdict of *Guilty—Death*, which the prisoner heard with firmness, retiring with composure.

Joseph Adamson, abovementioned, was then charged with forging and uttering the same, knowing it to be forged, a certain bill of exchange for the sum of £490, purporting to have been accepted by Messrs. Bowles, Beachcroft, and Co. bankers, and drawn by Messrs.

Stephenson and Co. with intent to defraud the bank of England, and the said Messrs. Beachcroft and Co.

The prisoner, in his defence, said he would not have troubled the court with a single word, but have silently relied on its strict and merciful administration of justice, were it not that he understood that Wilkinson endeavoured to impute to him the whole blame of transactions, of which Wilkinson himself was solely guilty. He solemnly declared that he acted under the influence of Wilkinson in the whole affair. If he had done wrong, it was entirely through ignorance.

Mr. justice Buller said that he was inclined to think there might be some truth in what the prisoner said. It appeared that at the time he had entered into these practices with Wilkinson, he bore a very good character; but this did not weigh a feather in the question which the jury had to determine. The case was so clear, besides the offence being acknowledged by the prisoner, that he would not trouble them with repeating a word of the evidence; but the circumstance of extenuation, although they could not influence a verdict, would, nevertheless, have due weight in that quarter which was the fountain of mercy, and might possibly obtain some remission of his punishment.

The jury found the prisoner guilty, but strongly recommended him to mercy, which the court seemed to approve. Adamson's conduct on the trial was the reverse of Wilkinson's; the former appearing extremely ill and dejected.

On the 7th of June, Wilkinson and Adamson, with one Mr. Reeves, a stock-broker, who had been convicted of forging scrip receipts, were executed before Newgate. The respectable rank which the sufferers had maintained in life, excited considerable interest, and above 100,000 were assembled on this occasion, a great proportion of whom were women, and many of them with the appearance of ladies. The windows of the houses opposite the gaol were taken out, and some of the houses were even unroofed to afford accommodation to the spectators. Mr. Reeves and Mr. Wilkinson manifested steady composure and resignation; but Adamson, who had cherished hopes of pardon, from the exertions which had been made in his behalf, sunk into despondency;

and during the night previous to the execution, contrived to take a large dose of opium, from the effects of which he only partially recovered.

Messrs. Reeves and Wilkinson mounted the platform with great fortitude; Adamson, supported by two men, viewed the preparation with a delirious stare; and they all died without a struggle.

CORNELIUS GROGAN, J. COLCLOUGH, AND
BEAUCHAMP BAGNALL HARVEY,
FOR HIGH TREASON, 1798.

THESE unfortunate men took an active part in the Irish rebellion, and were companions in the excesses of that period.

Mr. Grogan, nearly seventy years of age, possessed an unincumbered estate of more than £6000 a year. He had been high-sheriff of the county of Wexford, and twice a candidate to represent the county. He had not been accustomed to interfere with the politics of that country, and was much esteemed for his hospitality.

Mr. Harvey was some time commander-in-chief of the rebels, in Wexford, and for his apprehension government had offered a reward of £1000. He was taken in a cave in one of the Saltee islands, whither he had fled with Mr. and Mrs. Colclough, accompanied by Mrs. H. and her infant, and one servant maid. They had provisions for six months, and all their plate and money. They were discovered, it is said, by soap-suds spilled at the mouth of the cave, which had been observed by three officers, who were on a fishing party there, and who immediately entered the cave without ceremony; and, perceiving Mr. Harvey, and Mr. Colclough, desired them to surrender, telling them that resistance was in vain, as the cave was surrounded with armed men, and that they would be obliged to fire on them if they hesitated. Hereupon, they submitted, and walked out, but appeared greatly mortified on not seeing the force they expected, as they had with them in the cave, arms and ammunition in abundance. They were marched to a small boat, which waited for the officers, and con-

veyed to Wexford. On landing at the quay, Mr. Harvey appeared pale and dejected; but Mr. Colclough's fortitude did not forsake him, until he approached the gaol, where he saw his friend, Keogh's head on a pike. On enquiring whose head that was, and hearing it was Keogh's, he was electrified, sunk into all the anguish of despair and guilt, and never recovered.

Mr. Harvey was formerly a practitioner in the law; and, at his death, possessed an unincumbered estate of nearly £2000 a year, besides personal property to the amount of £20,000.

They were executed at Wexford, June, 1798.

Their heads were cut off, stuck upon pikes, and fixed on the market and sessions houses at Wexford. The defence set up by the prisoners, was, that they had acted by compulsion. It happened, that an intelligent gentleman, (who passed unnoticed while the rebels possessed Wexford), had recorded every circumstance as it occurred, which, when produced before the courts, proved a faithful and irrefragable register of the voluntary crimes of the chief traitors; and supported by other evidence, left no room to doubt of their guilt.

LORD EDWARD FITZGERALD,

FOR HIGH TREASON, 1798.

THE hon. Edward Fitzgerald, commonly called lord Edward Fitzgerald, was the youngest brother to the duke of Leinster, and nephew to the late duke of Richmond. Having finished his studies he visited Paris, at the commencement of the revolution, where he associated with its prime movers. It was in this school of freedom and revolution, that his lordship's strong, susceptible, and warm mind, received that east of sentiment, which, during the subsequent period of his short life, influenced the tenor of his conduct.

On his return to his native country he obtained a seat in parliament, and uniformly supported the opposition in their various contests during the administration of lord Westmoreland.

On the breaking out of the Irish rebellion, in 1798, he joined the society of United Irishmen, and became

the intimate friend and companion of Mr. O'Connor. The government in Ireland having received information that his lordship had committed an act of high treason, a reward of £1000 was offered for apprehending him. Accordingly, May 21, 1798, major Sier, captain Ryan, and Mr. justice Swan, proceeded to the house of one Murphy, a feather dealer, near St. James's gate, Dublin, to apprehend his lordship. They were attended by a serjeant's guard. Major Sier waited behind to station the guards, so as to cut off the possibility of the prisoner's retreat. Mr. Swan went up, and coming to the apartment, entered. Lord Edward was in bed. Mr. Swan told him that he must do his duty as a magistrate, and that on his submitting, he would treat him with every possible indulgence. Lord Edward, then immediately turning in the bed, drew a pistol, which he discharged, without effect. At this time no one was in the room but lord Edward and Mr. Swan. His lordship, on finding that his pistol had not told, assailed Mr. Swan with a dagger, and ran him through the body, above the shoulder blade. At this moment captain Ryan entered, when lord Edward disengaged himself, and made at him with such determined fury, that with one cut, he ripped up his belly, and his bowels fell out. So little time passed, that major Sier had no other alarm than the shot, and when he rushed up stairs, he found lord Edward and justice Swan struggling for the dagger. Captain Ryan was in a dying condition. Mr. Swan was exhausted with loss of blood, and the desperate young man making another effort, the major in his own defence, fired on him, and wounded him in the shoulder.

Lord Edward was now easily overpowered, and conveyed to the castle, where he underwent an examination, and was from thence sent to Newgate. It appeared that although proclaimed, he had made a practice of going out at night, and of sleeping during the day. He was traced by orders issued, not many hours previous, to the societies of United Irishmen. When conveyed to Newgate, he appeared to be entirely dispirited, his voice faltered, his complexion was deadly pale, and his eyes apparently fixed. Murphy, the owner of the house in which his lordship lodged, was likewise con-

veyed to Newgate. Captain Ryan died a few days afterwards.

Lord Edward Fitzgerald languished a few days, and died in Newgate, June 5th. An inquest was held on his body, when the following was the verdict delivered by the coroner.

“We are of opinion that the deceased came by his death by an effusion of water in the left side of the thorax, and inflammation of the lungs on that side, occasioned by fever brought on by great anxiety of mind, aided by two wounds inflicted on the right arm, by two pistol balls, found lodged over the scapula of that side.”

The character of this ill-fated nobleman, was thus drawn by Mr. Fox, at a meeting of the Whig club, a few days before his melancholy exit. On Mr. Fox's health being drank, he rose, seemingly in much agitation, and spoke in a low and indistinct tone. He said, “the afflicting situation in which a near relation of his was involved, affected him so much, that he was unable to say much on every subject. The unfortunate gentleman to whom he alluded, was endeared to him, not only from the connexion of blood, but from the warmest friendship. He had known him from his earliest youth, and more private worth he never knew to exist in any man.”

JAMES O'COIGLEY, ARTHUR O'CONNOR,
JOHN BINNS, JOHN ALLEN, AND
JEREMIAH LEARY,

FOR HIGH TREASON, AT MAIDSTONE, 1798.

THE indictment was read by Mr. Knapp, who afterwards stated the charges it contained in a summary manner. He said there were three distinct species of treason charged in the indictment, and seven overt acts. The first charge was, compassing and imagining the death of the king; the second, adhering to his enemies; the third, compassing and imagining, inventing, devising, and intending to move and stir certain foreigners, and strangers, that is to say, the persons exercising the powers of government in France, to invade this king-

dom. The first overt act was, conspiring to levy war at Margate, in the county of Kent; the second overt act, sending intelligence to the enemy; the other overt acts were attempts to hire vessels, and to leave the kingdom.

Mr. Abbott opened the case on the part of the crown, and the attorney-general detailed the whole of the circumstances, stating the tenor of the paper, purporting to be an address to the directory of France, together with several letters of a treasonable tendency. He entered into a minute history of the conduct of the prisoners, from February 27, till the time of their apprehension, in order to shew their design was to get to France.

On the next day, the court being met, Mr. Plomer, as leading counsel for Messrs. O'Connor and O'Coigley, opened the defence in an able speech, which occupied four hours and a half in delivery. O'Coigley, in his defence, addressed the jury as follows:

“It is impossible for me to prove a negative; but it is a duty I owe to you, and to myself, solemnly to declare, that I never was the bearer of any message or paper of this kind to France in the course of my life. That paper is not mine; it never belonged to me. It states, that it was to be carried by the bearer of the last: this is something which might have been proved, but it is impossible for me to prove the negative. There is also in this paper an allusion to secret committees and political societies. I declare that I never attended any political society whatever. With these considerations, I consign my life to your justice; not doubting but that you will conduct yourselves as English jurymen ever do, and that your verdict will be such as shall receive the approbation of your own conscience, your country, and your God.”

The jury, after about half an hour's consideration, found O'Coigley *Guilty*, but acquitted the rest.

Mr. justice Buller, in an address to O'Coigley, which he read from a written paper, previous to his passing the sentence, observed, that he had been clearly convicted of the most atrocious crime which could be committed in any country; and then, in a solemn manner, passed the following sentence:—“That the prisoner be taken from the bar to the prison, and from thence to

the place of execution ; there to be hanged, but not until he be dead ; to be cut down while yet alive, and then to have his heart and bowels taken out and burnt before his face ; his head to be severed from his body, and his body to be divided into four quarters."

On O'Coigley's being tied up to the gallows, on the 7th of June, he made the following speech :

"I shall only here solemnly declare, that I am innocent of the charge for which I suffer. I never was in my life the bearer of any letter, or other paper or message, printed, written, or verbal, to the directory of France, nor to any person on their behalf ; neither was I ever a member of the London Corresponding Society, or of any other political society in Great Britain ; nor did I ever attend any of their meetings, public or private—so help me God ! I know not whether I shall be believed here in what I say, but I am sure I shall be believed in the world to come. It can scarcely be supposed that one like me, in this situation, going to eternity, before the most awful tribunal, would die with a falsehood in his mouth ; and I do declare by the hopes I confidently feel of salvation and happiness in a future state, that my life is falsely and maliciously taken away by corrupt and base perjury, and subornation of perjury, in some cases proceeding from mistake, no doubt, but in others from design. Almighty God, forgive all my enemies ! I beg of you to pray that God will grant me grace—for I have many sins to answer for ; but they are the sins of my private life, and not the charge for which I now die. [Raising his voice] Lord have mercy on me, and receive my soul."

The board was then let down, and he remained suspended for twelve or thirteen minutes ; he was then taken down, decapitated by a surgeon, and the executioner held up his head to the populace, saying, " This is the head of a traitor." Both head and body were then put into a shell, and buried at the foot of the gallows.

The chief evidence against O'Coigley was a police-officer, who swore that he found in his great coat pocket an address from the society of United Irishmen to the Executive Directory of France, inviting its co-operation against the British government in Ireland. The great coat, said to contain this important treasonable document, was found hanging in the open passage of the inn, at Margate, at which O'Coigley, O'Connor, Binns, and another, were residing. It was found that the great coat belonged to O'Coigley ; but it was strongly doubted, before and after his execution, whether it was probable that such a paper would have been left in

such a situation. A Mr. Fenwick, after his death, published a long and able pamphlet, in which he contended that the evidence was incomplete, improbable, and unsatisfactory; and it was otherwise contended, that no such address was either moved in the society, or in any way necessary or useful to be presented.

After the verdict had been pronounced, the sympathy which was excited among the numerous political friends of Mr. O'Connor led them, under an apprehension that he might be detained, to endeavour to facilitate his departure. A rush of these persons, therefore, took place towards the bail dock, and a scuffle ensued between the police officers, who had a warrant to retain O'Connor, and these parties. It was alleged, that the Earl of Thanet, Dennis O'Bryen, T. Thompson, and T.G. Brown, esqrs. and Mr. Fergusson, the barrister, were conspicuous in this affray, and in consequence they were prosecuted for a riot in the court, to facilitate the escape of Mr. O'Connor; and Mr. Fergusson and lord Thanet being found guilty, his lordship was sentenced to be imprisoned in the Tower for one year, to pay a fine of £1000, and give security for his good behaviour for seven years in £20,000; and Mr. Fergusson was sentenced to the same term of imprisonment in the King's Bench, to pay a fine of £100, and to give security for seven years, for £1000.

JANE GIBBS,

FOR STREET ROBBERY, 1798.

THIS woman was a native of Cornwall, where her father held a small farm, and from whom, after she was thirteen years old received no support, being obliged to earn her bread (from that time,) by her needle. She then came up to town, and went to the house of lady Tent, in Berkeley-square, where the laundry-maid, taking compassion on her, took her in without her ladyship's knowledge. From thence she went to Richmond, where the house-keeper at Petersham lodge took her in, until she inquired her character of lady Tent's laundry-maid. She was afterwards under the house-

keeper at Mrs. Long's who advised her to get another place. She had been out of place about a fortnight, when she hired herself to major Smith, of Sloane street; but here she staid only a month, being discharged (as she said), on account of her being so deaf she could not hear the bell. She then took lodgings in York court, Earl street, Mary-le-bone; at which time she had some pounds in her pocket, said to have been sent to her by her uncle, a butcher in Gloucestershire.

She stayed about twelve months at York court, and from thence removed to Blandford-street, where she was taken ill; during which time, a gentleman, who knew her character, allowed her half a guinea per week, but of whose name she pretended to be totally ignorant, and asserted, that he was old enough to be her grandfather. Soon after this, her sister dying, left her property to the amount of £15 or £16; and a lieutenant in the army, also allowed her a certain sum of money.

About Christmas, 1799, she attacked Dr. Ford, the late ordinary of Newgate, as he was going from Hand court, to his apartments in Bedford street, Bedford row; nearly at the top of Brownlow street, which was indifferently lighted, and watched. She accosted him in the usual style of women of the town, and upon his refusing her importunities she attempted to lay hold of him; he then crossed the road, and knocked at a door, in the hope of getting rid of her, but she followed him, and becoming very riotous, cried out "You b—dy thief, return me the money you have taken from me." Dr. Ford told her, she had changed her blandishments wonderfully, as she had been before remarkably loving. She then attempted to seize his pocket, which rather alarmed him, as she being taller than himself, he was apprehensive she was a man in woman's clothes. Impressed with this idea, he threatened to knock her down, and upon this she called "Watch!" but none came. The doctor then insisted upon her leaving him, which she agreed to, on condition of his giving her something to drink. This he positively refused to do; and on his telling her he thought the produce of the pump the fittest for her, he got rid of her. The same gentleman had seen her several times since, in different

disguises, seemingly with the intention of ensnaring the unwary.

The first circumstance that introduced her to public notice, was the affair of Mr. Beck, who was indicted at the sessions house, in the Old Bailey, September 21st, 1799, for robbing her in Kensington Gardens, on Thursday, the 30th of June.

Jane Gibbs related, that on the above-mentioned day, she walked to Kensington gardens, having just recovered from a severe fit of illness, and reached there about three in the afternoon; she went into a summer house and sat down, where she had been darning a pair of stockings about three quarters of an hour, when the aforesaid John Beck entered the summer house, and sat down; he then asked her where she lived? to which she replied, "Why do you ask me? I am not a bad girl, nor shall you take any liberties with me;" and she said, that after wishing he could get some ale, he asked her to give him change for a shilling, upon which she pulled out a red morocco pocket-book from her left hand pocket, which contained ten guineas in gold, eight old and two new; a crooked 7s. piece, and a plain one: on finding she had no change, she put it in her left hand pocket again. Beck then said, "You are not a girl in distress?" to which she replied, "Thank God I am not!"

She farther stated, that he proposed a walk to her, which she refused, and that another man coming into the same box, no more passed at that time. The stranger and Beck talked together for some time, but as she was rather deaf, she was ignorant of the subject of their discourse, and the stranger went away soon afterwards.

Upon this, Beck rising from his seat, looked round the place, to see if any one was near, and then seizing her by her two arms, flung her on the bench, placed his knee on her stomach, and picked her pocket, from whence he took the above-mentioned pocket book.

She then stated, that on her imploring him to return the money, as it was all she had in the world, he ran behind the box, and shewing her the money, said he had only taken it from her to frighten her, and that he then put it into his own right hand coat pocket, and ran away across the garden, towards Hyde-park-corner; upon

which she pursued him nearly three-quarters of a mile, when one Thomas Winter, (a servant belonging to the palace) and two others, coming up, she implored them, for Christ's sake, to take Beck, telling them, at the same time, she was robbed of all her property, by that man in a blue coat and black collar. She now fell with fatigue. She also declared, that the aforesaid John Beck, in running, kept crying out, "A mad woman! a mad woman!" Several persons came to her assistance, among whom was captain Willis, of Kensington-palace; she told him of what had passed, and described the money as above. Beck, who had been taken by Winter, was brought back; he had thrown the pocket book away; but on a bye-stander saying, "If you have got the money, give it to the poor girl, she will not hurt you," he put his hand into his pocket, took out the money described, with a quantity of silver, threw it on the ground, and falling on his knees, acknowledged that he had taken it. She then stated, that he picked it up, having been ordered to do so by captain Willis, and put it in his pocket. Captain Willis then ordered his servant to take Beck to Bow-street; the latter, on his way thither, intreated her several times to forgive him; and on being asked by one of the men, what he would give to make it up, he declared, all he had in the world, rather than be brought to shame and disgrace. He again offered all his money, which she refused. At length after several examinations at Bow-street, Beck was fully committed for trial.

Stephen Leyard, who was formerly coachman to the rev. Mr. Thompson, Kensington, and Thomas Winter, a labourer in Kensington gardens, both corroborated her assertions as far as related to their pursuing, taking, and bringing him to Bow-street.

The money was then produced by Leyard, in whose possession it had been from the time of Beck's being committed, and was found to correspond with the description given of it.

The prisoner, Beck, was then called on for his defence, who, after addressing the court in a very decent unembarrassed manner, stated his case as follows:—

That as he was passing through Kensington gardens, on Thursday, the 30th of June, a woman (whom he after-

wards found to be Jane Gibbs,) was sitting in the summer house, mending a stocking; she beckoned him to her, and made him sit down: a conversation then took place, in which she pretended to know, or thought she had seen him somewhere. She then told him she was the widow of an officer; which caused him to observe that she must be a gentlewoman; and that afterwards she intreated him to go with her to her lodgings near Portman-square; and on his declining that, she mentioned several other houses, of general accommodation, and at last pressed him to retire with her among the trees.

On her finding him deaf to her entreaties, she requested him to give her something to drink; on which, putting his hand in his pocket, he took out the gold she had described, and sixteen or seventeen shillings in silver. She then seized his hand and took the money out of it, but on his remonstrating with her, she returned it, and renewed her entreaties that he would give her something to drink; to which he only replied, that her late behaviour did not deserve it, and left her. He further declared, that there were between twenty and thirty haymakers working at no great distance from them, who could have heard her cries distinctly, had he used any violence towards her, and, that as soon as he had passed them, he heard her call out "Murder! stop thief!"

Thinking her crazy, and not wishing to have any more to say to her, he of course endeavoured to fly from her, but was pursued, overtaken, and brought back, which reduced him to such distress and apprehension, that he would gladly have given all he was worth, to avoid the disgrace of being brought before a magistrate; and he solemnly declared, it was solely on account of his having a wife and family and some respectable connections, whom he could not bear the idea of bringing to shame, that he was induced to give up all he possessed.

Several witnesses came forward voluntarily for the prisoner, particularly Mr. Brace, and Dr. Ford, the latter of whom declared, he came there by mere chance, without having the least idea of becoming a witness; but that he now thought it his duty to explain some circumstances to the court, which had happened to him,

nearly similar to those of the present trial. He then proceeded to state, as the former gentleman had done before him, her former attacks on him.

Mr. Clayton, clerk and surveyor to the navy, who was also accidentally present at the trial, declared he had seen this woman in the gallery on Friday, when she behaved with great indelicacy, and in the most indecent manner. He further declared, he had a perfect knowledge of her person, and remembered meeting her about a month ago, in Market-lane, when he experienced a deal of rudeness from her.

Fitz. Fitzgerald, an ensign in the army, said, he recollected her perfectly well, and had met with similar treatment from her. Lieutenant Bradshaw said, she had accosted him about two evenings before the examination at Bow-street, that she told him she was out of place, and very much distressed, and desired he would give her something, as she had not a farthing, upon which he gave her a trifle and got rid of her.

Mr. Hatton Turner informed the court, that as soon as he saw the prosecutrix at the bar, he remembered having seen her in June previous in a bustle with a gentleman in Newman-street, whom she had charged with having stolen her handkerchief, and that the gentleman was obliged to give her a violent blow in order to get rid of her. Although several others, who had met with similar attacks from her, voluntarily offered to come forward, the jury declared that they thought it unnecessary to occupy the time of the court any longer, and immediately pronounced the verdict of—*Not Guilty*, to the satisfaction of every person present. This was no sooner done, than one of the jury, a highly respectable man declared to the judges, that he had also experienced from this woman similar treatment to that which had been already described.

This woman was hissed out of court, and the sheriffs were obliged to place her under the protection of a guard of constables to save her from the fury of the mob who stood outside the doors.

Shortly after this trial, she was brought before justice Clarke, at the public office, Bow-street, on Thursday, October 10th, to be examined for attacking a Mr. Evans, an admiralty messenger, on Saturday, the 5th of Octo-

ber, as he was passing through the Strand. The prisoner came up with him, at Milford-lane; he took her by the arm, and put her on the other side of the street, where she pretended to faint away, and trembling exceedingly, said, she was frightened out of her wits at the Londoners; she then, after walking some way down the Strand with him, asked what hour it was, which he told her; she then said she was obliged to be at home at ten o'clock, as she lived with a colonel Edwards, from Shrewsbury, at No. 127, Sloane-street. She continued to walk with him till they came to the end of Whitcomb-street, when on his attempting to cross, she hallooed out "What do you want me for? do you want to take my life away?" He farther stated, that, seizing him by the collar, she charged him with robbing her, and called out, "Watch!" in a low tone. No watchman, however came up; but a gentleman passing by, told him it was the notorious Jane Gibbs, and by the advice of Mr. Blogg, who also came up at the same time, he took her to a public house, and from thence to the watch-house, where she wrung her hands and swore he had robbed her of every thing she had, and gave him in charge to the constable, who refused, saying, he knew her, and would not believe any thing she said.

Mr. William Blogg, of Pall-Mall, next stated, that on Saturday night, as he was going home through Cockspur-street, he overtook the prisoner at the bar, and a gentleman, whom he found to be Mr. Evans, who called to him, saying, that a woman (meaning the prisoner) had been endeavouring to extort money from him by various means, and now threatened to swear a robbery against him; that he, Mr. B., knowing who she was, advised him to give her in charge to the watch, which was accordingly done.

John Almond, the inspector of the watch said, that the prisoner, when in the watch-house, put her hand into her pocket, and pulled out some money, saying, she had no need to extort money, as she had plenty of her own.

The prisoner, on being interrogated, said, she was two and twenty years old, was never married, and came, about five years ago, from the parish of Kennington, near Bridgewater. The rest of her story she related nearly as before; adding, that she never had known the want

of a guinea, or crown, till lately; but that she had pawned every thing, on her leaving Blandford-street, and went out of town on Wednesday, Oct. 2nd, to Woolwich, in search of a major Smith, who, she there learned, had removed to Canterbury. She slept that night at Woolwich, and returned to London the next day, and went to No. 24, Blandford-street, her former lodgings, but found them let. She then took lodgings in Norton-street, Portland-road, and slept there on Thursday and Friday nights. But that, on her bringing her box from her former lodgings, in Blandford-street, to her new one, the proprietor of the former followed her, and induced them to refuse her admittance. That she therefore came out on the evening, about seven o'clock, and went to St. Clement's church to meet a gentleman by appointment, whom she was to inform she could not find major Smith. That the former person's name was Wright, who drove a cart to all parts of the country. Whilst she was waiting near the church, in the Strand, a gentleman came across the way, followed, and caught hold of her arm; that they walked together to Charing-cross. He asked who she was, to which she replied, a servant out of place. She further stated, that he wanted her to go to the play; and on her refusing, d——d her for the b—— that brought the man to the Old Bailey. He kicked her off the pavement, and took her to the watch-house. She denied ever having made a charge of robbing her against him, or attempting to do it, acknowledging, in the watch-house, she had neither money nor watch to be robbed of.

On her cross-examination, she equivocated; and a gentleman present mentioned her having abused him in a very extraordinary manner, without the smallest provocation, which, added to the inconsistency of her conduct, induced the magistrate to think her insane. She pretended to be deaf, yet, in the course of her examination, she frequently heard what was said, when not supposed to do so.

The evidence being closed, she was committed to take her trial, for the assault on Mr. Evans, at the next quarter sessions, at Westminster, and remanded to Tothill-fields Bridewell, where she was confined in a

separate cell, in order to preserve her from the violence of the other female prisoners.

Her deportment was generally the same as when she appeared against Mr. Beck; at times trembling, fainting, and pretending to be much affected at her situation; and then looking round the office, with an expression of the greatest contempt and audacity towards the persons present.

The mob, gathered about the office at the time of her examination, was immense, and, as she passed to and from the place, she was assailed with every mark of detestation; and had it not been for the exertions of the officers, who held her in custody, she would, in all probability, have fallen a sacrifice to their fury.

Her trial for this assault came on at Guildhall, Westminster, Oct. 24th, but the prosecutor not adhering to his previous story, she was acquitted. Mr. Mainwaring (the chairman) directed that she should be taken back to the bail-dock, till the crowd was dispersed. She was hissed and hooted out of court.

After this she went to Windsor, and practised a similar trick to that exhibited in Kensington gardens. She came to Slough by one of the long stages, where she alighted, and bargained with a man named Silver, to carry her box to Windsor for a small gratuity. Soon after her arrival at Windsor, she visited Eton, where she lodged a charge before one of the Buckinghamshire magistrates, that Silver had robbed her of fifteen shillings, in her walk from Slough to Eton; upon which Silver was apprehended, and upon his examination before the justice, she prevaricated so much, that the magistrate dismissed the charge, and set the man at liberty. Previous to this transaction, Jane Gibbs offered herself to several people as a servant, but in a short time she was recognized, and soon after driven out of the town.

She was afterwards committed to the New Compter, but being pronounced insane, was removed from thence, by an order from the lord mayor, to Bedlam. She was accompanied by a relation, and seemed perfectly sensible where she was going; wept very much, and persisted she was not deranged. She was, in person,

tall, bony, thin visaged, and masculine: her face was somewhat marked with the small-pox, and her features were very coarse.

JAMES TURNBULL,

FOR ROBBING THE MINT, 1799.

JAMES TURNBULL, a soldier, was charged with having stolen from the mint in the Tower, two bags of 1000 guineas each. He was apprehended on the 6th of January, 1799, at Dover, by the master of a trading vessel, to whom he applied for the purpose of hiring his boat to carry him to Calais, offering thirty guineas for his passage. On searching him in a public house, 1010 guineas of the year 1798 were found on his person.

He was brought to London, and, on the 25th of February, he was tried upon the capital charge of putting Thomas Finch in fear, and stealing from his majesty's mint the sum of 2380 guineas. By the evidence of F. Finch, it appeared that, on the 20th of December, Turnbull and Dalton, and two of the Tower-hamlets militia, were employed to work at a press used in the mint; at nine o'clock Finch told them to go to breakfast; they all went out, leaving him and a Mr. Chambers in the room. In about a minute, Turnbull and Dalton returned, and the latter stopped at the door, while the former presented a pistol, forced the keys of a chest from Mr. Finch, and then locked him in an inner room; he afterwards stole 2380 guineas, and then escaped.

Turnbull, in his defence, went into all the particulars, which he said, though it would injure himself, was due to the innocent. He said, being all ordered to go out on the morning of the robbery, he went out last, and found Dalton waiting for him at the door, to whom, without giving the smallest intimation of his intention, he said, "You come in." Dalton asked "For what?" To which he replied, "Never mind, but come in." That when he presented the pistol to Mr. Finch, Dalton called out to him two or three times, "What are you about?" and then went from the door and gave the alarm, which he certainly would not have done had he been concerned.

The jury pronounced him *Guilty*; but his counsel

was allowed to make any legal objections to the indictment, for the opinion of the twelve judges. He was executed on the 15th of May following.

SARAH LLOYD,

FOR ALLEGED ROBBERY AND ARSON, 1800.

THIS unfortunate woman was accused of having introduced a man into the house of her mistress, who robbed and afterwards set it on fire. Her case occupied much attention; she was generally considered as the instrument made use of by a designing villain, and having a most excellent character, the affair excited a very strong interest. Being convicted of larceny only to the value of forty shillings, at Bury assizes, April, 1800, and condemned—she was left for execution. A petition was immediately signed, most respectably and numerously, for her respite and pardon; but the duke of Portland, deeming the application to arise from ill judged humanity, sent down a king's messenger to order her execution. Among the persons who interested themselves on this occasion was Mr. Capel Lofft, who addressed the following letter to the editor of the Monthly Magazine, setting forth her case, and proving her an object of mercy:

“Sir,—Give me leave to caution you against an implicit credit in the accounts published in most of the public papers, respecting the case of the unhappy Sarah Lloyd. Thus much only I will say at present—a most extraordinary and most affecting case it is. I have never heard of one more so—I have never known one in any degree so much so. I was on the grand jury which found the two bills of indictment. I was in court at the trial. I am happy, yet perhaps I ought not to say so, that I was not in court when sentence of death was pronounced upon her. I have visited her several times since she has been in prison, with several respectable persons, and particularly with a lady of very superior understanding; and who, struck with her mild and ingenious countenance, the modesty, unhesitating clearness, simplicity, and ingenuous character of all she says; her meek and constant fortitude, and her modest resignation,—has interested herself greatly in behalf of this young and most singularly unhappy woman. She was indicted for a burglarious robbery, in the dwelling-house of her mistress. She was convicted of larceny alone, to the value of forty shillings, and under what circumstances, it will be proper to state more fully hereafter. The jury acquitted her of

the burglarious part of the charge, and thereby negatived any previous knowledge on her part of a felonious intent of any person. The other indictment for malicious house-firing, was not even tried. Unhappily, perhaps, for her that it was not. It seems but too certain that she will suffer death on Wednesday next; and from any thing that I can yet learn, I should fear a numerous and respectably signed petition will not find its way to the king while she yet lives. I write only thus much at present; that if you state the supposed facts which have been so widely diffused against her, and have made so dreadful an impression, you may also state these remarks; which have for their object merely that the public would suspend their judgment till a full and correct statement be laid before them, as it necessarily must; and that, in the mean time, at least, the public will not conclude her guilty of more than that of which she solely stands convicted and attainted on the record—the larceny only. And as to the nature and degree of her guilt, even upon that, they will estimate it according to the circumstances, when fully before them. Then perhaps they will have no cause to wonder that efforts have been made, as they have certainly been, with most persevering anxiety, to obtain a mitigation of her sentence, so far as it affects her life; nor that the prosecutrix—the committing magistrate—the foreman, and several others, of the grand jury, and many persons of true respectability, have concurred in these efforts, and, particularly, persons in whose service she had lived, and who speak of her temper, disposition, character, and conduct, in terms every way honourable. I remain, &c.

“Troston, April 21.

CAPEL LOFFT.”

In another letter, this gentleman gives an account of her person, execution, &c. as follows :

“Respecting the case of Sarah Lloyd, what ought now further to be said, I wish that I felt myself capable of saying as it deserves. I have reason to think that she was not quite nineteen. She was rather low of stature, of a pale complexion, to which, anxiety and near seven months’ imprisonment had given a yellowish tint. Naturally she appears to have been fair, as when she coloured, the colour naturally diffused itself. Her countenance was very pleasing, of a meek and modest expression, perfectly characteristic of a mild and affectionate temper. She had large eyes and eyelids, a short and well-formed nose, an open forehead, of a grand and ingenuous character, and very regular and pleasing features; her hair darkish brown, and her eyebrows rather darker than her hair; she had an uncommon and unaffected sweetness in her voice and manner. She seemed to be above impatience or discontent, fear or ostentation, exempt from selfish emotion, but attentive with pure sympathy to those whom her state, and the affecting singularity of her case, and her uniformly admirable behaviour, interested in her behalf.

“When asked, (April 23, 1800, the morning on which she suffered,) how she had slept the preceding night? she said, not

well the beginning, but quite well the latter part of the night. She took an affectionate, but composed and even cheerful leave of her fellow prisoners, and rather gave them comfort than needed to receive it. It was a rainy and windy morning. She accepted of, and held over her head, an umbrella, which I brought with me, and without assistance, though her arms were confined, and steadily supported it all the way from the prison, not much less than a mile. What I said at the place of execution, if it had been far better said than I was then able to express myself under the distress I felt, would have been little in comparison of the effect of her appearance and behaviour on the whole assembly. That effect, none, who were not present, can imagine. Before this, I never attended an execution; but indeed it was a duty to attend this, and to give the last testimony of esteem to a young person, whose behaviour after her sentence (I had not seen her before, for in court she was concealed from me by the surrounding crowd) had rendered her so deserving of every possible attention. Those who have been accustomed to such distressing observations, remarked that the executioner, though used to his dreadful office, appeared exceedingly embarrassed, and was uncommonly slow in those preparations which immediately precede the fatal moment, and which, in such a kind of death, are a severe trial to the fortitude of the strongest and most exalted mind, and much the more so as they tend to destroy the sympathy resulting from the associated ideas of dignity in suffering; yet she dignified, by her deportment, every humiliating circumstance of this otherwise most degrading of deaths, and maintained an unaltered equanimity and recollectedness, herself assisting in putting back her hair and adjusting the instrument of death to her neck.

"There was no platform, nor any thing in a common degree suitable to supply the want of one; yet this very young and wholly uneducated woman, naturally of a very tender disposition, and, from her mild and amiable temper, accustomed to be treated as their child in the families in which she had lived, and who consequently had not learned fortitude from experience either of danger or hardship, and in prison the humanity of Mr. Orridge had been parental towards her, appeared with a serenity that seemed more than human; and when she gave the signal, there was a recollected gracefulness and sublimity in her manner that struck every heart, and is above words or idea. I was so very near to her the whole time, that, near-sighted as I am, I can fully depend on the certainty of my information. After she had been suspended more than a minute, her hands were twice evenly and gently raised, and gradually let to fall without the least appearance of convulsive or involuntary motion, in a manner which could hardly be mistaken, when interpreted, as designed to signify content and resignation. At all events, independently of this circumstance, which was noticed by many, her whole conduct evidently shewed, from this temper of mind, a composed, and even cheerful submission to the views and will of heaven; a most unaffected submission entirely becoming her age, sex, and situation."

Here the writer, referring to an account in the Ipswich paper, observes :

“ The word accomplice is used,—whoever admits a man was concerned, will see reason to regard that man as far more than an accomplice. I believe it were not impossible (but would indeed be nearly inevitable) for an attentive mind, weighing the circumstances of this, perhaps, unexampled case, to come to the same conclusion which has long impressed itself on mine. That conclusion leaves to her a share of guilt, which is indeed ‘ comparative innocence,’ and the verdict of the jury, who, I believe, in that verdict thought they had saved her life, imports not a greater share. Yet they knew nothing of the admirable character which has been given of her by those in whose service she had longest lived, for the best temper, a meek, peaceable, quiet disposition; honesty, modesty, uniformly good behaviour in all respects; freedom not only from blame, but from any circumstances tending to suspicion of it. The jury knew of her character only by her affecting appeal to Mrs. Syer, the prosecutrix herself. For she had not been sending after those who could speak to her character during her confinement, and therefore being asked, she answered she did not know whether there was any, meaning, certainly, in court, except it was Mrs. Syer.

“ The jury, under the circumstances of no evidence being given against the other party indicted, had not the usual means, which, where two persons are indicted, a jury almost constantly has, of forming some estimate of the proportion of guilt which may belong to either; nor could they even see, or, perhaps under these circumstances, imagine, how peculiar her case was, even as to that for which she was convicted, infinitely the smallest part of the charge which the two indictments contained. I do not, therefore, arraign the verdict of the jury; the verdict could not be otherwise; it was just, it was discriminating, it was humanely considerate, and, I think, I say nothing which is unbecoming when I say this, that although the verdict, and the consequent sentence were according to law, death being the sentence under the statute of Anne, the case was such as had a strong, and, I think, almost singular plea for the extension of mercy. The force and nature of this plea, which appeared imperfectly at the trial, and at the time of passing sentence, more and more developed itself progressively to the last. I shall ever deeply regret that it did not appear so to the judge, and most of all, that when by the Bill of Rights, it is declared that it is the right of the subject to petition; that in this instance there is reason to conclude, that a petition, though in behalf of life, and numerous and most respectably signed, was, notwithstanding, never presented to the king. I would rather suffer any thing than have this omission to impute to myself.

I remain, &c

“Troston, May 19.

CAPEL LOFFT.”

Such, however, were the exaggerations of the Lon-

don journals, which ascribed to this unfortunate woman all the crime, that it need not be wondered that no attention was paid to the petition. The following is an extract of one, (*Times*, April 11,) by which the reader will see quite a different representation from the above:—

“The circumstances attending the case of Sarah Lloyd are perhaps unequalled for the atrocious intentions of the perpetrator, who was a servant to a very respectable lady, residing at Hadleigh, named Syer. On the 3rd of October last, she set her mistress's house on fire in four different places, and robbed her of some considerable property. Her intention was the destruction of her protectress, for, to prevent the escape of her mistress, the principal combustibles were placed under a stair-case which led to her mistress's bed-room, and, but for the timely assistance of the neighbourhood, she would have perished in the fire.”

The incendiary and intended murder, here asserted as facts of her deep ingratitude and base depravity, were neither tried nor proved; and of the burglary she was acquitted, which acquittal must also acquit her of the other charges.

JAMES HADFIELD,

FOR HIGH TREASON, 1800.

THE attorney-general proceeded to enter on the case. This was a charge of high treason against the prisoner, in compassing and imagining the death of the king. The overt acts charged in the several counts of the indictment all went to the same purpose, namely, that of killing the king. Upon this subject, of which the jury had probably heard much in private conversation, it was their duty to discharge every thing that they had so heard from their minds, and attend only to the evidence. On the 15th of May, the prisoner had repaired to Drury-lane theatre, had there drawn a concealed weapon, and, when the opportunity presented itself, had discharged a pistol at the person of his most sacred majesty. The slugs, with which the pistol was loaded, had been found in different places, but all very near to the royal box. The evidence would prove, beyond a possibility of doubt, the facts, and he would produce witnesses to shew the conduct of the prisoner both before and after he fired the pistol. He would

trace him from the time of his getting the pistol, and procuring the powder. He would trace him from two o'clock that day, when they would find that he procured two pistols, but left one behind him for a reason which they would hear from the witnesses. He would trace him from thence to the time of his going to the theatre; he would shew the conversations which he held respecting his intention of going to the theatre: he would shew that he concealed the arms, so that those near him did not suspect he had any, until the moment he used them. At that moment he was thrown over the orchestra, and he should also produce evidence to shew his conduct at that period. From circumstances that had passed, he was led to suppose that the answer to the case would be, that he was in the unfortunate situation of being afflicted with insanity.

The witnesses were then called on the part of the prosecution :—

Joseph Calkin deposed, that he is a musician belonging to the band of the Drury-lane theatre; that he was in the orchestra of the theatre on the 15th of May, at the lower end of the orchestra, opposite to the side where his majesty sat. At the moment his majesty came in, the audience, as is usual, rose, and the witness saw Hadfield above all the rest, with a pistol in his hand, pointed at his majesty's box, and apparently at his majesty's person. It was instantly fired, and then dropped down. The witness immediately got upon his own desk in the orchestra, and assisted in dragging him over the rails. He was then carried into the room called the music-room, under the stage. Mr. Sheridan and the duke of York immediately came in, and as soon as the prisoner saw the duke of York, he said, "God bless your royal highness, I like you very well, you are a good fellow. This is not the worst that is brewing."

Mr. John Holroyd gave evidence that he was in the pit of Drury-lane theatre on the 15th of May; that he sat next the prisoner. The witness asked him to make room for him, as he had lost his friends in the crowd. The prisoner, he thinks, replied, "Willingly." This was about three quarters of an hour before his majesty came. During that time he heard nothing particular from the prisoner; but he remarked, that he was a pitiable object from the wounds he had received. He did not observe the countenance of the prisoner when his majesty entered; but he saw a pistol presented across his face, and the contents were immediately discharged from it; the direction of the pistol was towards the king's person, or the king's box. He had said so before the bullets were found. The prisoner was so situated as to have a full view of and aim at the king's person.

Mr. Jeremiah Parkinson, a musician, swore that he was in the

orchestra of Drury-lane theatre on the 15th of May, in the middle of the orchestra, facing the king, with the audience on his left hand. It was customary, when his majesty entered, for the audience to rise. The prisoner was considerably higher than the rest of the audience, and was standing two seats from the orchestra in the pit. At the moment his majesty came to the front of his box, he saw the prisoner with his arm extended, and a pistol in his hand, appearing to take deliberate aim at his majesty's box. He saw him cock up the barrel of the pistol. As soon as he had fired it, some gentleman near him pulled him from the bench, and with the assistance of other gentlemen he was thrown over the orchestra, and taken into the music-room under the stage. Townsend, the police officer, then came in, and the prisoner was delivered over to him. When the duke of York entered the music-room, he heard the prisoner say to his royal highness, "This is not all," or "this is not the worst." But there was such confusion that he could not hear the words that were spoken very distinctly. Being asked if the situation was a good one for firing at his majesty, he replied that the prisoner could not, in his opinion, have chosen a better.

Mr. Wright swore, that he was at Drury-lane theatre on the 15th of May; he was in the first row next the orchestra; as soon as his majesty entered, he heard the report of a pistol, and turning round, saw the prisoner standing upon a bench, seemingly agitated and confused. He immediately caught him by the collar; there was a cry of "Secure the villian," to which he replied, "I believe I have secured him safe enough." He then turned round, and looked to the place where the prisoner had stood. A young lady, who sat behind that place, immediately pointed to the ground, where he saw and picked up the pistol. The witness produced the pistol in court.

Miss Elizabeth Ormeston deposed, that she was at Drury-lane theatre on the 15th of May. She sat in the pit, on the third row from the orchestra. She was there about half an hour before his majesty came. She could not, on account of her being so flurried, say whether it was at the first or second bow to the audience from his majesty, that the prisoner fired, but immediately after he had fired, he threw down the pistol.

Moses Dyte and J. F. Wood proved the fact of the pistol having been fired at the royal box.

The duke of York was the next witness called. When his royal highness appeared on the judges' bench, the prisoner, who had previously shewn not the smallest emotion, but surveyed with a sort of vacant stare the objects around him, started up and said, "Ah! God bless his highness; he is a good soul."

The duke said that he was at the theatre on the 15th of May. He had not distinguished the prisoner before the pistol was fired. On his entrance into the music-room, the prisoner said, "God bless you! I know you; you are the duke of York, under whom

I served upon the continent." He recollected the man as having been one of his orderlies, or dragoons forming his personal guard, and particularly at the battle of Famars. The prisoner, when spoken to, appeared to be calm and collected. He said, he knew that his life was forfeited; that he was tired of life, and that he only regretted the fate of the woman who in a few days would no longer be his wife. He also said, that the worst was yet to come. His royal highness said, that he had given directions to search for what had proceeded from the pistol, and that he was present when the slug was found, which had struck the pilaster about fourteen inches above the head of his majesty. The slug, when handed to him, smelt very strongly of gunpowder. On his cross-examination by Mr. Erskine, his royal highness admitted that the orderlies were chosen from amongst the most tried and trusty men in the service. The prisoner said, that he must certainly suffer for the attempt which he had made on the king's life.

Joseph Richardson, esq. said, that he was present at the examination of the prisoner, in the music-room. When the duke of York entered, the prisoner said with enthusiasm, "God bless him! he is the soldier's friend and love." He denied any intention to take away the life of the sovereign. There did not appear in the conduct of the man any indication of lunacy. When preparations were made to examine him, he said that there was no need of so much trouble, if they would but use him well, he should tell the whole truth. "I was tired of life," said he, "and my plan was to get rid of it by other means. I did not mean any thing against the life of the king: I knew the attempt alone would answer my purpose."

— Weale, a carpenter, and — Beeten, proved the finding of the two slugs, one in lady Milner's box, under that of his majesty, and the other in the orchestra. Mr. Johnson, the property-man, gave a similar testimony. Mr. Ford, from the duke of Portland's office, produced the slugs, which were identified by the three preceding witnesses.

W. Harman said, that he had known the prisoner for seven years. On the 15th, of May, he called upon the witness at his employer's, (Mr. Dick,) in Greenhill's-rents, near Smithfield. He shewed a pair of pistols, which he said he had bought for his young master. He said, he had paid eight shillings for them, but that after cleaning them he should make a profit of four shillings. He left one of the pistols at the workshop, lest, as he said, it should frighten his wife. The prisoner appeared to him to be perfectly cool and collected.

Mr. Dick, by whom the last witness was employed, corroborated his evidence respecting the pistols. He said that the prisoner was perfectly calm, though, he remarked, in lower spirits than usual.

W. Harrison shaved the prisoner on the 15th of May. He saw nothing particular in his conduct or demeanour.

George Webb proved, that the prisoner was the man who, on

the 15th of May, called at his master's shop, in St. John-street, to buy an ounce of superfine gunpowder. He knew him by his eye being drawn, and by the scar on his face.

T. Punter and J. Bagenall, who were shopmates of the prisoner, proved that they had seen him on the 15th of May, between three and four o'clock, in Aylesbury-street. He staid to take one glass of brandy and water, and then went away, as he said, upon particular business. He appeared to them to be perfectly collected.

Mr. Erskine then rose. The importance of the cause, he observed, in which, by special order of the court, he stood as counsel for the prisoner, must stand as an eternal monument of the civil jurisprudence of this nation. It placed the country and its inhabitants at once upon the highest pinnacle of justice. It was for the jury to enquire whether the man, at the moment of firing the pistol at his majesty, was actuated by malice, or was labouring under the dominion of a melancholy and miserable insanity. That the latter was the case, he should prove by the strongest evidence, and shew at the same time the character of the man's mind. He was now twenty-nine years of age. He had entered as a soldier in 1793. He had behaved with the greatest gallantry in an action near Lisle in May 1794; he had received several sabre wounds in the head, had been cut in other places, and left for dead upon the field. In consequence of these wounds, the texture of his brain had been injured, and his reason deranged. He had gone to the theatre, in order to sacrifice himself, as an immolation in imitation of our Saviour, and the offence which he had committed was done in order to avoid the crime of suicide. He was the father of an infant but eight months old, and this infant he had attempted, on the Tuesday preceding this offence, to destroy, merely because his frenzy told him that his time was come, and he did not chuse to leave his child behind him. He bore no malice against this child, no more than he did against his sovereign. His imagination was so morbid as to suppose that mankind would be benefited by his death. He was loyal in his feelings, and he had entered into no mischievous associations. His idea was at one time to have fired over the king's coach, but then he thought that he should be torn to pieces, and he

changed his mind, only from the idea that by firing over the king's box, though he should procure his own death, he should at least be certain of a decent burial.

Major Ryan, Mr. M'Gill, and Charles Price, officers of the 15th regiment, on the part of the defence, proved the previous good conduct of the prisoner, and his derangement in consequence of the wounds he received in his head. The latter, who met with two wounds in attempting to rescue the prisoner in the action near Lisle, stated that he very narrowly escaped from being stabbed by him with a bayonet in a paroxysm of his madness, in 1796, at Croydon.

John Laine, a private, who was with the prisoner in the hospital at Brussels, deposed also to his madness. He then said, that he was "King George," and calling for a looking-glass, felt about his head for his crown of gold.

Mr. Cline, Dr. Creighton, and Mr. Lidderdale, the surgeon of the 15th light dragoons, were examined as to the nature and probable cause of the insanity of the prisoner, as resulting from his dreadful wounds.

Several relations of the prisoner were then called, and persons in whose house he had lodged. His brother, and his wife's two sisters and their husbands, were examined, and Elizabeth Roberts, whose evidence was very strong in his favour. The substance of it was, that he had been a long time insane from the wounds he had received in defence of his king and country; that he often talked at random that he was a prince, that at other times he was Jesus Christ and God. On Thursday morning he appeared to be much worse. He said, he had seen God in the night. His coach was ready, and he had been to dine with the king. He always spoke with the greatest respect of the king, and was very loyal. He said, if it were not for his wounds, he would once more go to the continent, and have another cut at the French. He always praised the king very highly, and said, had it not been for him, he should not have had any pension. He wanted, on Thursday the 15th of May, to drink tea between three and four o'clock, for that he was going to a club to be made an Odd Fellow; and his wife encouraged him in that, inasmuch as she thought it would amuse him and divert his mind.

When he was in his right mind, he was a very good man. He was about nine and twenty years of age.

In this stage lord Kenyon interrupted the proceedings, and asked the attorney-general, and the counsel, if, after what they had heard, they thought fit to carry the enquiry farther? The attorney-general replied, Certainly not, if his lordship thought the evidence conclusive.

Lord Kenyon.—“I think, Mr. Attorney-general, there can be no doubt of his insanity; and if the man was out of his senses at the time, by the laws of England he cannot be found guilty; and when one looks at the evidence, it brings some conviction to one's mind that he is most dreadfully deranged. Yet such a man is a most dangerous enemy to society; and it is impossible with safety to suffer such a man to be let loose upon the public, and to permit him to range at large: it must not be. I, however, only ask if it is necessary to proceed further on the trial, unless, indeed, you think that this case has been drawn up, in order to give a false colouring to the defence.”

On the suggestion of Mr. Garrow, that, for the sake of posterity having a verdict handed down to them on the records, the jury should find a verdict of *Not Guilty*, from the impression that he laboured under the influence of mental derangement at the time he committed the act, the jury, without leaving the box, returned a verdict accordingly.

The prisoner was immediately sent back to Newgate, and has till 1824, been a patient in Bedlam.

JOHN BEATSON AND WILLIAM WHALLEY,

FOR HIGHWAY ROBBERY, 1802.

JOHN BEATSON and William Whalley, it is supposed, were father and son; for, after condemnation, it appeared that Whalley had been brought up by Beatson from an infant as his son. The elder Beatson, who was about seventy when executed, was a native of Scotland; and, in the former part of his life, he had made several voyages to the West Indies, in merchants' service: he afterwards settled in the city of Edinburgh, where he kept the College tavern. In this situation he continued for some years, till at length he resigned his business to his adopted son, who was

then married; and the concern was carried on by Wm. Whalley. Whalley's wife dying soon after, he sold off, and, being entirely disengaged, came to London. In the mean time, old Beatson hired himself as a butler to one or more families of distinction in Scotland. William Whalley, soon after his arrival in London, hired a shop in Bedford-street, Covent-garden, and went into the liquor trade. He at length sold this concern, but the purchaser failing, involved the younger Beatson, who now took refuge in the neighbourhood of Eden Bridge and Hartfield, in Sussex, where he lived for some time on the wreck of his property, and then returned to London.

Having expended all, he was at length stimulated to raise money by mal-practices. Accordingly, he and his nominal father left London, July 18, 1801, and reached the Rose and Crown inn, at Godstone, in Surry, where they slept. The next morning (Sunday) they left Godstone, and proceeded as far as the Blue Anchor, in the same parish, distant about four miles, (where they dined,) which they left about six o'clock in the evening, and were seen on East Grinstead common between eight and nine o'clock. During their stay at the Blue Anchor, several enquiries were made by them as to the conveyance and arrival of the mail.

About half-past twelve o'clock that night, the mail-boy was stopped on Wall-Hill, near Forest-row, in the parish of East Grinstead, by two men; one of whom confined the boy in the cart, while the other led the horse and cart into an adjoining field, where they took from him the bags and letters for London, &c. The person who rode with and confined the mail-boy in the cart, presented a pistol to his breast; but told him, if he remained quiet, and made no resistance, he would not hurt him. They then left the field, carried off the bags and letters on their back, as far as a wheat-field, in the parish of Hartfield, a distance of six miles; and secret-ing themselves among some standing corn, opened the letters, and took therefrom all the bank of England and country bank-notes they could find, and then left the remainder of the property, with the letters, in the field.

About a month after, when this wheat field was to be reaped, the bags and letters were found, and also pro-

perty, in drafts, bills, &c. to the amount of 9531*l.* 14*s.* 1*½d.* which, with the bags and letters, were immediately conveyed by the postmaster of East Grinstead, to the general post-office, London.

The next morning (Monday) after the robbery, the same two men proceeded to Westerham, and stopped at a public house called the Chequers, where they took some refreshment, appeared very tired, and said that they belonged to the dock-yard at Deptford, and that they must be there by a certain time: accordingly, they hired a one-horse chaise to convey them thither, which they paid for with a 5*l.* note, and their bill in the house with a 2*l.* note. Their whole conduct from Westerham to Deptford excited much suspicion. The person who attended them to return with the horse and chaise when they reached Deptford, observed they both got into one of the stage coaches, which was then going to London, and went there instead of going to the dock yard, at which they declared they must be, and to which they said they belonged. The same evening it was proved, that John Beatson purchased some shoes at a warehouse in Oxford-street, and paid for them with a £10 bank of England note, which was found to have been sent by the mail from Lewes the night before.

After staying in London about a week, and issuing notes by making various purchases, the Beatsons left London in a gig, with an intention of going to Ireland; and in passing through Cheshire, they stopped all night at an inn in the town of Knutsford, where their singular behaviour, and brutal treatment of their horse, were noticed by many people. In the course of the next morning, the Beatsons left the inn. On the arrival of the mail from London, hand bills were received from the general post-office, describing the persons who, it was supposed, had robbed the Brighton mail. Little doubt was now entertained that the Beatsons, who had just left the town, were the men who had committed this robbery, as their ages and persons exactly corresponded with those described in the hand-bills, and particularly as they had also a dog with a silver collar, and their gig was likewise described in the advertisement. At this time a surveyor of the general post-office was in the neighbourhood, and the circumstance having been

communicated to him, he immediately set off in pursuit of the Beatsons ; and, finding out the inn they were at in Liverpool, he, with an attorney and proper officers, secured them. On searching their travelling trunk, many of the articles were discovered, which had been purchased in different places in London, and notes to the amount of £1700 wrapt up in one of the Lewes letters ; also other property on their persons, amounting, in the whole, to near £3000. A pistol was also found in the box.

They were taken to Bow-street, and, after two examinations, committed to the county goal, Horsham, to take their trial at the next assizes. In the mean time, young Beatson, with a person under charge for horse-stealing, attempted to escape from prison, but they were discovered some hours after they were first missing, in a sewer, by which means they calculated on escaping.

Their trial came on at Horsham assizes, March 29th, 1802, before baron Hotham, when about thirty witnesses were examined for the prosecution ; many of whom swore to their property, and identified the prisoners as the persons to whom they had sold it.

The judge then summed up the evidence in a clear and impressive manner, and the jury retired for a few minutes, when they pronounced them both---*Guilty*.

HENRY COCK,

FOR FORGERY, 1802.

HENRY COCK, an attorney at Brewers'-hall, was indicted for feloniously forging, on the 20th of April, 1802, three papers, purporting to be letters of attorney of William Story of Chatham, in the county of Kent, to transfer several sums of money in the stocks of the Bank of England ; and for uttering and making use of the same, knowing them to be forged.

His trial came on at the Old Bailey, before lord Ellenborough, May 1, 1802, and occupied the greatest part of that day. It appeared that the prisoner was a near relation to, and had received the dividends, as they

became due, for, Mr. Storey, who died August 14, 1801, leaving, as he thought, considerable sums in the three and four per cents. and £7000 in the five, memorandums to that effect having been found by his executors among his papers. Several persons to whom Mr. Storey had left different sums pressing for their legacies, Mr. Jefferies, the acting executor, drew up a kind of plan for discharging them; in which he appropriated the sums in the different funds for the payment of particular legacies, setting down £7000 as in the five per cents. among the rest. Towards the end of November, this paper was shewn to, and copied by, the prisoner, who was consulted by, and acted in town for, the executor; and which copy was produced in court. So far from informing Mr. Jefferies at that time of there being no property in the five per cents. to answer the legacies he had set down against the £7000, the prisoner sent two or three letters to persuade him not to sell it out till after Christmas, that they might have the benefit of the dividend. This was acceded to by the executors, who, having left it beyond the time for that purpose, were at length determined to fulfil the provisions of the will; but, on applying to the Bank, they found, to their great astonishment, that the whole of the £7000 in the five per cents. had been sold out at different periods, the last in the month of August, 1801, by the prisoner, under the pretended authority of a warrant of Mr. Storey.

This warrant was produced; and Mr. Jefferies swore, to the best of his belief, that the signature was not the hand-writing of his deceased friend. Mr. Storey's coachman, whose name was down as one of the subscribing witnesses, denied it to be his hand-writing; and added, that he never witnessed any paper for his late master during the number of years he had lived with him. The name of Edward Bishop, described as a wharfinger at Rochester, appeared as another witness, according to the copy; but it was deposed by the tax-gatherer, and other inhabitants of Rochester, that no person of that name and description had been known there for the last thirty years. To prove that the prisoner had made use of this paper, and had actually by that means obtained the money, the transfer books were produced, and the

several clerks of the Bank were called to prove the identity of his person.

Mr. Benjamin Cock, brother to the prisoner, one of Mr. Storey's executors, said, he had received £175 at different periods for dividends: but when asked if he had received that sum for dividends after captain Storey's death, he said, "I found in the banker's book £175. It was passed to my account without my knowledge."

The prisoner, in his defence, addressed the court as follows:—

"I trust you will allow for the inaccuracies of my speech, and that you will look at the case in all its bearings; and if you are convinced, upon the evidence that has been adduced against me, I am guilty, let me be consigned over to the laws of my country; but, if the whole tenor of my life has been according to the rule of right; if I have continued to act upon the principles of honour and honesty; and if the evidence, as far as it has gone, has been consistent with that character which has been gone into, then, gentlemen, I feel confident in the event of your verdict. Gentlemen, I did think, on the part of the prosecution, there would have been a clear, consistent statement before you; I should have thought, charging me to have forged this power of attorney, that they would have begun at the foundation of the crime to shew that that power of attorney was forged: they have shown no such thing, nor attempted it; they ought to have gone on, and to have shewn you that the power of attorney, in October, 1800, was a forgery; that they have not done. What is it we then come to? The power of attorney in April, which is charged to be the forgery, and we will go to the evidence on which it is founded. There is one thing before that, because the gentleman has been pleased to say, that it afforded some strong presumption, and I admit that suspicious circumstances have been laid before you; but unfortunately I have not the opportunity, by evidence, of completely elucidating them, but will say, it is bare statement; there is not positive evidence against me. I shall pass over all the different witnesses which have been called as to the entries in the bank books, for form's sake, and will admit that there was such a sum as £5000 sold out; the only questions you have to try, are, first, whether it was under a forged instrument; and, in the next place, whether, if it was a forged instrument, I was the perpetrator of it, or uttered it, knowing it to be forged. Gentlemen, the first material circumstance I shall observe upon, is this: I take it in all cases, it certainly is not possible to show the perpetrator of the act; in this case they cannot, for it is impossible to show the perpetration of the deed; in order to be convinced that an instrument of this sort is a forgery, you will first look to the signature of the party himself, and next to those of the attesting witnesses;—what is the evidence? Taking the signature first, I think it is clear, that I was in the habit of confidence sufficient to be entitled to receive under it; I think the gentlemen

have produced to you a power of attorney, authorising me to receive dividends upon the then stock, therefore you have it before you on the showing of the prosecution, that I was in the confidence of the testator, and was allowed to receive his dividends: was it inconsistent, therefore, that he should allow me to sell it out when necessary?

“Gentlemen, you have the evidence before you of Mr. Jefferies, that this hand-writing is not, in his opinion, the hand-writing of Mr. Storey: there is not one single other witness, nor is there an iota of evidence before you that it is my hand-writing. I will now resort to the attesting witnesses. The first is Robert Packham, he is called, and, from his appearance, he is little conversant in hand-writing; he, however, denies that he attested it: you will recollect, that it is required, at the foot of instruments of this sort, the parties should not merely subscribe their names, but their residence and professions; these forms have been complied with. And I should like to know, if it is not the hand-writing of Packham, why they have not brought you other evidence to show whose it is: it is not the mere signature of Robert Packham; and is it possible for you to conceive, if they were written by me, that they would not have got persons to prove it was my writing? They ought to have gone to that point, and shown to you that it was not merely suspected to be a forgery, but that it was a forgery created by my hand: they have attempted to effect it out of court, but they have failed in effecting it in court.

“Gentlemen, the greater part of this case has been occupied by inquiring, not so much whether it be a forgery or not, but with reading the correspondence between me and the executors, subsequent to the death of Mr. Storey, all tending to show, most unquestionably, that there existed, at the period of Mr. Storey's death, £7000 stock. I do not mean to deny those representations; they are proved. I would have admitted them, if my counsel would have permitted me. It is unquestionably true, I have constantly admitted to the executors that £7000 was there, and have acted upon it as such, and if the thing had remained undiscovered till this moment, I should have continued to do so, but does that prove the charge? The question is, whether it be a forgery or not? Whether their confidence was broken in upon by the conduct I pursued, and not giving me an opportunity of replacing the money which I acknowledged is converted; but I say there is no proof of forgery, and you have a right to infer from the confidence placed in me by Mr. Storey, with respect to his own dealings, that I might be authorised to transfer any of the stock, and I might have gone on representing it as still standing in the books, whereas it was not; for I wished to keep the deception up, and I did keep it up to the testator till his death.

“Gentlemen, if there was any idea in my mind that I should be placed in this tremendous situation, is it possible, that on the 19th of August I should be at the Parsonage-house, and every where to be found, and my papers liable to be inspected by every body who chose? Is it not more likely, that, after the death of

Mr. Storey, I should have gone off with those funds which Mr. Jefferies intrusted me with? The fact is this, and you ought to try that fact, whether it be most consistent with my representation, or with the representation made by the prosecution; then you ought to pause, and consider whether it is a forgery, and whether I am the perpetrator of it. Gentlemen, the probate of the will was produced to you, and I apprehend it may be read in evidence; I defy them to show that any sum of £7000, five per cents. is taken notice of by the testator, by any one letter or declaration of the testator that he had such stock, because it does not exist: they cannot prove it; they cannot show it.

"The correspondence between me and Mr. Storey is destroyed, and it is utterly impossible to show his directions to me: you will give the due weight to the observations I have made, and it only remains for me to address you upon my character—that character has been in part given to you, and, I flatter myself, those who will be seen here to day, will not diminish that which I have received; on that I am willing to go to a jury of my country, trusting my life in their hands, and to the law, perfectly satisfied that, whatever they do, they will neither injure the one nor sacrifice the other."

Mr. Justice Mainwaring, Mr. Alderman Price, and several other gentlemen, appeared to the prisoner's character. The jury, however, considered the fact as sufficiently proved to warrant their pronouncing a verdict of—*Guilty*.

On the day previous to his execution, he wrote a letter to his brother, a respectable young man in the navy, requesting his company to sit up with him all night, which would be the last they would ever spend together; and his compliance seemed to afford him much satisfaction. In the morning, when the farewell signal was given, a truly affecting scene took place between the two brothers; and, for the moment, Henry's spirit seemed to fail him: but when they were separated, he soon resumed his former composure. He suffered on Wednesday, June 23, 1802.

WILLIAM CODLIN,

FOR SCUTTLING A SHIP, 1802.

CODLIN was a native of Scarborough, and allowed to be an excellent seaman in the north coast trade. He was captain of the brig *Adventure*, nominally bound to Gibraltar and Leghorn; and was indicted for feloniously boring three holes in her bottom with a view to

defraud the underwriters, on the 8th of August, 1802 off Brighton. Codlin and Read were charged, as officers of the ship, for committing the fact; and Macfarlane and Easterby, as owners, for procuring it to be committed.

The trial came on at the sessions-house, at the Old Bailey, Tuesday, Oct. 26th, 1802, before sir William Scott, lord Ellenborough, and baron Thompson. It commenced at nine o'clock in the morning, and did not conclude till twelve at night.

The first witness was T. Cooper, who said he was a seaman on board the *Adventure*, originally before the mast; was shipped in the river, the vessel then lying below Limehouse. Codlin was captain and Douglas, mate; the rest of the crew consisted of two boys, making in all five. Storrow was coming back and forward. There was part of the cargo on board, and the vessel sailed from Limehouse for Yarmouth, where she took in twenty-two hogsheads of tobacco, some linen, and fifteen tons of ballast. From thence they proceeded to Deal, having taken on board at Yarmouth an additional hand, named Walsh, a bricklayer's labourer. At Deal, Douglas, the mate, complained of the rheumatism, and left them. Storrow went away, and was succeeded by Read. They took in another hand named Lacy.

The captain said, as witness was bringing him off shore, that witness should take Douglas's birth; but witness said he was not capable, not knowing navigation. The captain said, as long as he pleased him, that was plenty; they did not sail from Deal as soon as they might. The captain said at one time, he waited for letters; and at another, he waited for a wind. At length, they sailed, five or six day before the vessel went down. The captain gave strict orders to keep the boat free; witness put in four oars, cutting two of them to the length; formerly they threw lumber into the boat; but the captain ordered that there should be none there, and that there should be plenty of tholes, or pins, for the oars. The captain said they should not be in the ship forty-eight hours longer: this was Friday. On Saturday, he said that night should be the last; it was impossible she could carry them through the Bay of Biscay; he did not think her trustworthy for his life, and why should witness for his? The captain then sent witness down to mix grog for himself and Read, and some of the crew. Witness was afterwards walking the quarter-deck; the captain was at the helm, and called witness to relieve him. The captain went below; he came up in a quarter of an hour, and said to the witness, "Go down, and you will find an auger on the cabin-deck; take up the scuttle, and bore two or three holes in the run, as close down to the bottom as possible." The witness went down, and found the auger; it was a new one, bought by the captain at Deal, and was put into the handle of another auger; he bored three holes, close down in the run, with two augers and a spike gimblet, which he left in the holes. The

witness came on deck, and told the captain he had bored the holes. The captain asked if the water was coming in? witness said, not much, for he had left the augers in the holes. The captain said they might remain till day light. On Sunday morning, the cabin-boy was prevented from coming down by the captain; before that, he always came down, and got breakfast in the cabin.

At day-break, witness pulled out the augers, and the water came in, but the captain did not think it came in, in sufficient quantity, and wished for the mall to enlarge the holes. The witness said, the crow-bar would do. The captain ordered him to bring the crow-bar, and make the holes larger; he did so; the captain was present all the time, and assisted to knock down the lockers, to make room. The crow-bar went through the bottom, and the witness believed, the augers did also. Mr. Read was in bed, close by the holds: the distance might be about four yards. Mr. Read turned himself round several times while the witness was boring the holes; he never spoke, nor did the witness speak to him, but he turned in the bed several times; the auger did not make much noise. When the holes were bored, the witness called Read, by the captain's order; he came on deck, but shortly after he went down, and went to bed again. The bed was on the larboard side of the cabin. Read could not see the augers, but he might hear the water run, as the cabin-boy heard it, and the witness heard it himself, a small hole being left open to keep the pumps at work. Read went to bed again, but he was on deck when the hole was beat with the crow-bar. Read was permitted to go down, but the boys were not. When the hole was beat through, the colours were hoisted; the boat was already out, and all hands in it, except the captain and witness. Witness packed up his things when he was told they could not be forty eight hours in the vessel, but he mentioned the matter to nobody. He packed them in a bread-bag which he emptied on the deck. When the holes were boring, the captain ordered the men aloft, to take in sail; no one could possibly see or hear him, except witness, the captain, and Read.

They left the vessel at eight o'clock. Several boats came off on the signal. The people in them said, they (captain Codlin and his people) had met with a sad misfortune; they answered yes. The boat asked if they wanted any assistance, and offered to tow them on shore. The captain said she was his while she swam, and they had no business with her. The Swallow revenue cutter then came up, and took the brig in tow, fastening a hawse to the mast: the brig, which lay on her beam-ends before, immediately righted, and went down. Witness has no doubt that she went down in consequence of the holes. Read's trunk had come on board at Deal; it was sent back the next day; witness helped it into the boat: it was full of line when it came, and was not locked; witness does not know what it contained when it went back. Captain Codlin and the whole crew went to the Ship tavern at Brighton. Read said to a lady who came to see him, that he had lost every thing belonging to him, and

that he was ruined. Easterby and Macfarlane came to Brighton on Tuesday; they came to the Ship tavern. Easterby asked where the holes were, and of what size; there were some carpenter's tools on the floor, which had been brought from the vessel; Easterby asked if the holes were of the same size of the handle of the chissel that was among the tools; and being told they were, said, the witness should prepare the handle to plug the holes, in case the ship should come on shore, as she was then driving in. Macfarlane was in the room, but witness cannot say whether he could hear, as he spoke in a low voice. Easterby said Codlin was a d—d fool, he had made a stupid job of it; he should have done the business on the French coast, and then he might have made the shore of either country in the boat, in such fine weather. Macfarlane discoursed with them, but witness did not hear what he said. Macfarlane and Easterby ordered the captain and witness to go to London together, and to take private lodgings, in which they should keep close, or they would be under sentence of death. Macfarlane took seats in the coach for them, and paid their passage. Read wrote on a piece of paper where witness was to go to in London, to Macfarlane's house. Witness received 9s. wages, and Macfarlane gave him a guinea; this was after he had described the size of the hole; he could not say whether the others were paid their wages. Witness came up with one of the bags, the captain being stopped by a gentleman (Mr. Douglas.) The boy was put in his place at five or six in the morning. Read went with witness to the coach offices; Macfarlane came after, and Easterby came with the boy, who was apprentice to Storow. Only one pump had been worked for a length of time in the ship, the other was not in order; there was a gear for the other, but the captain did not want to find it. The captain sent the boy down for the great coat; the boy, on his return, said the water was running; the captain said it was no such thing, it was only the water in the run, and told the boy to go forward. He ordered witness to go down and see, but jogged him as he passed, and told him to say it was nothing. Witness, on coming up, said it was only the water in the run. Witness staid in London two nights, and then went to his mother, near Saxmundham, in Suffolk; having no money, and failing to get a ship, after several applications, he walked the whole way, which is eighty-eight miles. When he arrived, his mother told him there had been people after him, about a ship; and there had been hand-bills, offering a reward. He immediately sent for the constable of the place, Mr. Askettle, and surrendered himself, to whom he told every thing, desiring him to take him to London.

John Morris, George Kennedy, Lacy, and James Welsh, corroborated Cooper's testimony. Storow proved the intent of the voyage, that it was to defraud the underwriters. The insurances were also proved. Several witnesses gave Read and Macfarlane a good character.

As it appeared that Read took no active part in the business, and one of the witnesses having intimated that he was deaf, and the learned judge observing that it was possible he could not hear the conspirators talking, and the boring of the ship, &c. he was acquitted, and the rest found *Guilty*; but two points of law having been elucidated by Mr. Erskine, in favour of Easterby and Macfarlane, judgment was accordingly arrested, for the decision of the twelve judges. The prisoner heard the verdict with much firmness—Read, with composure; Easterby, apparently with indifference, looking around him; Macfarlane's features shewed he was inwardly much affected, though he bore himself with firmness.

Sir William Scott then pronounced sentence of death on Codlin, in an impressive manner. Codlin then retired with a firm and undaunted deportment, taking a respectful leave of the court as he went out.

On Friday preceding his execution, Mrs. Codlin left town for Windsor, with a petition to the king, which, however, her husband had declared he did not conceive would be of service; yet, in spite of this declaration, he was in the fullest expectation of a respite until near twelve o'clock at night, when his hopes vanished.

Previous to his execution, he freely communicated to Mr. Dring all the circumstances of his crime. At Brighton, he said, between five and six guineas were given him, and he was urged to go off, being assured that if he was taken he would be hung. On Saturday morning, November 27, 1802, he was brought out of the gaol of Newgate to proceed to undergo his sentence at the docks at Wapping.

He was conducted from Newgate, by Ludgate-hill and St. Paul's, into Cheapside. A number of peace officers on horseback were at the head of the procession. Some officers belonging to the court of admiralty, with the city marshals, followed next. The sheriffs were in a coach, as was also the ordinary of Newgate, the rev. Dr. Ford. Codlin was in a cart, with a rope fastened round his neck and shoulders. He sat between the executioner and his assistant. As he passed down Cheapside, Cornhill, and Leadenhall-street, and onward through Aldgate and Ratcliffe Highway, he continued to read the accustomed prayers with great devotion, in

which he was joined by those who sat with him in the cart. As the procession drew near to the scene of execution, the difficulties of the passage grew continually greater, so that it was hardly possible for the peace officers to clear the way. At the entrance towards the dock, it became necessary that the criminal should be moved out of the cart, to walk to the scaffold, which was yet at some distance. After coming down, he stood as erect as the confinement of his arms and shoulders would allow. His looks still wore an air of unchanged firmness. He walked on with a steady step, and was even observed to chose the least dirty paths. He ascended the ladder to the scaffold without betraying any emotions of terror. His body, after hanging for the due length of time, was cut down, and carried away in a boat by his friends.

JOSEPH WALL, Esq.

FOR MURDER, 1802.

JOSEPH WALL was indicted for having, on the 10th of July, 1782, caused certain persons, with a piece of rope, to beat, penetrate, and wound, one Benjamin Armstrong, in several parts of his body, at Goree; of which wounds he languished, and languishing, did live until the 15th of that month, and then died; and that he, the said Joseph Wall, was present, aiding, abetting, helping, assisting, comforting, and maintaining the said persons so to wound the said Benjamin Armstrong, whereby he, the said Joseph Wall, the said Benjamin Armstrong did kill and murder.

He was charged with two other indictments precisely of the same nature as the former; the one charging him with the murder of Thomas Upton; the other, of George Paterson; to all of which governor Wall pleaded not guilty.

At the commencement of the trial, the prisoner said he was rather deaf, and therefore requested that he might be allowed to come nearer. The lord chief baron said to the prisoner, that is perfectly impossible; there is a regular place appointed by law for persons in your

situation; we can make no distinctions of the sort you desire, that would be invidious; but we will afford you all possible assistance, by requesting the witnesses to speak loudly.

The attorney-general opened the case on the part of the prosecution :

The crime imputed to the prisoner at the bar is murder. He stands charged, on the present indictment, with the murder of Benjamin Armstrong, a serjeant in the garrison of Goree, when the prisoner was the commandant and governor of that island, in the month of July, 1782. That murder is charged to have been committed by the prisoner, in the punishment which he ordered to be inflicted on that person, and the circumstances which led to that punishment, which was the cause of that man's death, will be for me to open to you, and then it will be for you to decide.

Mr. Wall was governor and commandant of the garrison at Goree, which you know is an island on the coast of Africa. He had at that time under him an officer of the name of Lacey; likewise, a lieutenant of the name of Fall; another of the name of Ford; another of the name of Phipps, and another of the name of O'Shanley; but no other military officer whose name is necessary to be mentioned. The circumstances of this case arose in the year 1782; the exact time is the 10th of July in 1782, when the death was occasioned which is charged upon the prisoner as murder. The day following, the prisoner left his station at Goree as governor, and came off for England. He arrived here in August in that year. He was apprehended for this offence in March, 1784, under a warrant issued by order of the privy council. You will bear in mind, that most of those persons who were material witnesses to prove his innocence, if innocent he be, were then living, and within the reach of the process of the criminal justice of this country, and might have been brought forward for the vindication of the prisoner's innocence. In July, 1782, this gentleman had this garrison under his command, with those officers I have mentioned, and 140 or 150 men also under his command, as they had been for some time, prior to the period at which he announced his intended departure, and which actually took place on the 11th of July, 1782. Some time previous to this, the garrison had been under short allowance of provisions, from necessity I will suppose, or from some fair reason, although that is not stated to me; but I will take it to be so, since the contrary does not appear. The men were put under short allowance, that is, to a restriction of food for the convenience of the garrison, and for continuing it in safety until farther supplies should arrive. In such cases, the men who are put upon short allowance are allowed a compensation in point of pay to the amount of the stoppage of their provisions. The gentleman now at the bar had announced his departure for the 11th of July: there was going away with him, for England,

a person of the name of Dearing, who was the pay-master of the garrison. In the hands of that person was, of course, the power, either to allow the men the money, or in future what was equivalent to money, some articles of barter, which would procure for them what they wanted. When this paymaster was about to depart, these men were anxious that this account might be settled, and, as the period of departure drew nigh, several of them resorted to the house where the paymaster lived, for the purpose of obtaining payment of what was due to them on account of the short allowance to which they had been restricted; and here the case begins to unfold the disposition of the prisoner at the bar. What reason he had for mixing himself in considerations of this short allowance, and to interpose himself between those persons who call for an adjustment of their claims, and the person whose regular business it was to settle them, I am not apprized of, or, at least, I will not take upon me to allege. The men resorted to the house of this paymaster; for they were desirous of obtaining what was due to them before the paymaster left the island, which was to be the next day. They were aware that a vast ocean would separate the paymaster and them in a short time; and, considering the precariousness of human life, they thought it possible they might not afterwards be in a situation to urge their claims with beneficial effect to themselves. On their coming towards the paymaster's house for this purpose, in considerable numbers, as you will have in evidence before you, and as they were passing the door of the governor, which was in their way, he reprimanded them, in anger, for resorting to the house of the paymaster; and under terror of punishment, ordered them to go away. The men retired dutifully under that admonition. In about an hour and a half afterwards, several persons, whether the same as the former I do not know, but several persons, among whom was Armstrong, made a second application, or rather intended application, to the paymaster. These men were proceeding towards the house of the paymaster. Armstrong appeared with these men. Governor Wall, the prisoner now before you, came out to meet them again. I do not know that he used the language of menace to them as before; however, that will come before you in the evidence of the orderly serjeant, who attended the person of the governor, and who was of course obedient to his commands. He will state to you, that Armstrong was so far from being undutiful in his behaviour, that he took off his hat and paid all possible respect to the governor, and said they only came to make a representation to the paymaster, and respectfully retired; and from that period, if there be any truth in the evidence that I am to lay before you, until the hour in which the punishment of Armstrong was inflicted, which took place in the course of that day, and which led to his death in a few days, every thing in the conduct of the governor was furious and full of malice.

This application, which was intended to have been made to the paymaster, was in the morning. There was an interval between that and the time of inflicting the punishment which ended in the

death, about which you are now to inquire, respecting which it will be incumbent on the prisoner to give you an account, why the garrison was not in tranquillity, or, if it was not, why an investigation did not take place into the matter. Upon that there is an entire silence. We hear nothing of the defendant until the evening, that is, until about six o'clock, when the drum was beat what they call "a long roll," to call the soldiers on the parade, which had the effect of bringing them all, as they were, some in their jackets, without any military preparation whatever, or any regard to their appearance. At this time there appeared on the parade, captain Lacey, lieutenant Fall, ensign Ford, and Mr. O'Shanley, four officers; and after some conversation had taken place between the officers, there being on the parade a gun-carriage, and a person attending to perform the offices of tying, flogging, &c., a circle being formed, within which the officers were, Armstrong, all this time being among the men who had formed the circle, was then called out, and ordered to strip, which he did. He was then tied to the gun-carriage; black men, brought there for the purpose, not the drummers, who in the ordinary course of things would have had to flog this man, supposing him to have deserved flogging; but *black men* were ordered to inflict on Armstrong the punishment ordered. Each took his turn, and gave this unhappy sufferer twenty-five lashes, until he had received the number of eight hundred. Punishments of this sort, I understand, are usually inflicted by drummers; but this was inflicted by black men, who did not belong to the regiment, and the instrument with which the punishment was inflicted, was not a cat-o'-nine-tails, which is the usual instrument, but a piece of rope of a greater thickness, and which was much more severe than the cat-o'-nine-tails. The rope will be exhibited to you in evidence, and therefore I need not say any thing to you of its fitness or unfitness for this purpose. It will appear to you also, that while this punishment was inflicting, the prisoner urged these black men to be severe, in a language, some of which I shall not repeat, as it will be enough for you to hear it once from the witnesses. I shall pass by the coarseness of it; but he said, among other things, "Cut him to the heart, and to the liver." Armstrong, the subject of this punishment, applied to him for mercy; but the observation of the defendant, on that occasion, was, "that the sick season was coming on, which, together with the punishment, would do for him." After receiving a great number of lashes, that is, eight hundred, this poor creature was conducted to the hospital. He was in a situation in which it was probable his death might be the consequence, and, therefore, you will see the declaration he made, which the law admits in evidence; because the declaration of a man, made under an apprehended pending dissolution, is, by the law of this realm, considered tantamount to an oath. You will hear that he declared he was punished without any trial, and without ever being so much as asked, whether he had any thing to say in his defence; and this evidence, if made under

the impression I have stated, will undoubtedly be competent evidence to be laid before you.

After this punishment had been inflicted upon this poor man, (for I will not travel into the circumstances of the case of any other person whomsoever, but confine myself to that for which the prisoner now stands before you,) the governor and the paymaster set off the next day for England, and they arrived here in the month of August following.

Here the attorney-general went over the circumstance of the prisoner escaping from the hands of the king's messenger at an inn at Reading, in their way up from Bath, where he was apprehended by virtue of a warrant from the secretary of state, in the year 1784; and of the proclamation which was issued afterwards, describing his person, stating that he had fled from justice, and offering a reward of £200 for apprehending him. He also noticed the letters which he sent in the previous October to lord Pelham, stating his readiness to take his trial.

Evan Lewis examined.

Upon seeing the men returning, I told the governor they were coming, before they reached the house, on which the governor came to the outside of the gate to meet them. When they came opposite the gate, he called out to one of them, (Benjamin Armstrong,) who was a serjeant; the governor asked him what he wanted, saying, "What do you want?" Armstrong said to him, "Your excellency, we were going to the commissary, to ask him to settle with us before he goes to England." Armstrong came up with his hat in his hand, as usual, with submission, and said to him, "Your excellency, we are going to the commissary." He was about four yards from the governor, and I was near enough to hear what passed; but I do not remember all that passed; I cannot swear that I do; but as far as I do recollect, I have stated. The governor told them to go to the barracks, and threatened them; then they went. The governor went to the men and the men remained where they were. Armstrong came to the governor after he called him. I do not know what passed between the governor and the men, for the men turned their backs and walked off, and appeared to be frightened. I do not recollect that there was any parley between them, but they appeared immediately to go off. I did not hear any noise or disturbance among them; they did no harm that I could see. They were not in their uniform; some of them were in blue jackets, but others were in plain dresses. I did not hear any thing pass, except between Armstrong and the governor. I did not hear any disrespectful language used. I should suppose that the second appearance of the men was between eleven and twelve, for it was before dinner hour, which, with the governor, was, I believe, at two. As to the men, they dined when they could. In the course of the afternoon, after the governor's dinner, the officers went away earlier than usual; the governor went out, and I followed him. We conceived there was something due for short allowance, for we had been on short allowance, at different times, for some time, but how much I do not know.

On that day, two or three of the officers dined with the governor; and, when he went out, I followed him. The governor walked down towards the main guard near the parade. The guard turned out to salute the governor as he passed, as usual. The governor went upon the ramparts, where there were two field-pieces, (six-pounders,) and I stood at the end of the ramparts; the governor ran by me towards the main guard, and began to beat one of the guard who was then under arms; I believe the man was in liquor; he beat him for some time, then drew his sword, and took a bayonet from the sentry, and beat him with that, and confined both the sentry and the guard. He then ordered the drums to beat the long roll, which is to call the men on the parade. I was sent, if I recollect rightly, by the governor to call the men together as they were, that is without arms; they obeyed directly, and came without arms, as they were, for this was sooner than parade time. Captain Lacy, I believe, was there, but what non-commissioned officers, I do not remember. The usual time of roll-call was, I believe, a little before sun-set, but I do not recollect exactly. This was before that time, half an hour or nearly so. When they came on the parade, they were ordered to form a circle: I do not know whether by the governor's orders, or by those of one of the officers, but governor Wall was there. Capt. Lacey was there; four officers were there; I believe Mr. Ford, lieutenant Fall, and Mr. O'Shanley, were there at the conclusion, but I do not know whether they were there at the beginning. They were all inside the ring; the circle was small, for there were not above three hundred men, and they were formed two deep: I was close to the circle on the outside. The governor was in the inside of the circle. I heard some words pass, but cannot say what they were: I could see every thing very well, as I leaned my head between the men. There was within the circle a carriage of a six pounder: it was brought in just as the circle was formed. I cannot recollect who brought it. I heard the governor speak to the officers; what was said, I do not recollect, but I heard the governor call Benjamin Armstrong out of the ranks. Armstrong was at that time in his proper place, among the rest of the men.

He came out, and was tied to the carriage of the cannon. Governor Wall ordered him to strip. He was tied up to the gun-carriage. He was then flogged by a black man, by order of governor Wall. There were five or six persons employed in flogging him. They changed hands as the drummers usually do; I cannot tell how often, but, as well as I can recollect, they gave each twenty-five lashes. I do not recollect how many lashes he received, but certainly several, inflicted with a rope; I cannot tell the size of it. These blacks were no part of the regiment: I never saw any body before nor since flogged in that way. Governor Wall was in the circle, urging these black men to do their duty, and threatening them, if they did not. I heard him call to the blacks, "Lay on him you b——, or else I will lay on you." I heard him say several times, "Cut him to the heart, cut him to the liver." I believe Armstrong begged for mercy, but I do not

exactly remember the words. What I have said, took place during the punishment of Armstrong; he was afterwards taken to the hospital, I believe. At this time, I did not see the least appearance of mutiny among the soldiers, nor any mutiny or disturbance between the time of the men passing the governor's house and the commissary's, and the punishment of Armstrong. I was at the barracks in the course of the day, when I heard them say that they were to go up to the house of the commissary. They said they were advised by lieutenant Fall to go to the commissary, and to ask for their allowance before he went away. I cannot say that I ever saw Armstrong afterwards, either dead or alive. I heard that two or three days afterwards he died. There was no court-martial held on Armstrong that I know of; I did not see any. I was near enough to see and hear and observe it, if it had been held. I have seen a drum-head court-martial at Chatham, but I do not recollect how that was,—but it is usual to call on a man to answer a charge before he is punished. I saw the governor conversing with the officers for a moment. Armstrong was at this time in the ranks among the rest of the men; and the whole of this conversation passed before he was called out of the ranks. I did not hear any sentence passed on him, nor do I believe there was any. I heard some words, I heard him called out, and heard him ordered to strip. I did not hear what it was for. The first words addressed to him were to call him out of the ranks, and then he was ordered to strip. Governor Wall went away the next day, but I do not know how many officers went with him.

Roger Moore examined.

I was a private in the garrison in 1782, at Goree; was present on the 10th of July; the troops paraded between four and five o'clock. The governor ordered lieutenant Fall to form a circle after the parade was over. The officers, consisting of the governor, captain Lacy, lieutenant Fall, and lieutenant O'Shauley, had a conversation for some little time within the circle. I was not near enough to hear; the officers spoke gently. Armstrong was not seen speaking to the officers, nor they to him; he was to the right of the company of serjeants. Governor Wall called Armstrong out of the ranks, and represented him as the ring-leader of the mutiny. Armstrong, who made some reply, and spoke to the officers, was close to the governor. In a short time the limbers of a six-pounder were brought into the circle. Armstrong was tied up by the governor's orders, having been stripped. One of the mulatto men, who was interpreter to the garrison, received orders to instruct the blacks what they were to do, and which way they were to inflict the punishment. I think there were about three or four of them. He was punished with a rope; it appeared, at a distance, about an inch in diameter. There were no knots. He received eight hundred lashes; I counted them; they changed regularly during the punishment, like the drummers of the regiment, each giving twenty-five strokes. Armstrong died in the space of four or five days. I saw him carried to

be buried. I saw no mutiny, except being dissatisfied, not having received money for short allowance; and, talking with each other, they observed that the governor and the commissary were going off the island, and if they did not get a settlement before they went, they never should. They had been on short allowance for some months. Armstrong said that he had been with the governor, who promised to settle every thing, the men seemed in good spirits, and were quiet after this public declaration, and the parade was regularly formed. Armstrong, during the flogging, asked forgiveness, and said he would never be guilty of the like again. The governor told him that he hoped it would be a warning to him. If the manner of forming the circle was to be called a court-martial, I never saw one like it before or since. He was charged as a ring-leader of the mutiny, afterwards he was called out, and tied up in a few minutes. There never has been a settlement of the short-allowance money. I do not know what is become of the officers.

Others deposed to the same effect.

Mr. Ferrick examined.

I was surgeon to the garrison of Goree, in 1782. I recollect what passed on the 10th of July. My quarters were near the governor's house. I saw the governor on the evening-parade. I was sent for about one hour before sunset; there were present the governor, captain Lacy, lieutenants Fall and O'Shanley, and ensign Ford. Armstrong was being flogged when I entered the circle. When I came in the governor said, this d——d infamous scoundrel, I am going to punish him. The negroes were punishing him with a rope's end. I looked on. I understood he received eight hundred lashes. Nothing passed between the governor and me. The punishment appeared rather severe; but I do not recollect that it was worse than the usual punishment, or that his cries were louder. I attended him afterwards, from day to day, at the hospital; he lived till the 15th; I have uniformly concluded, that the punishment was the cause of his death; I did not make any observation to governor Wall on the state of the punishment.—[The witness was asked some questions as to his reason for not doing so, when Mr. Knowles objected to the question. The court, after a short consultation, ruled, that the witness was not bound to give any answer founded on his own opinions.]

Witness proceeded.—There was not the smallest appearance of disorder or mutiny on that day.

Lord chief baron.—Was there, in your opinion, any chance of his death from the flogging?

Witness.—My present opinion is, that there was a great chance of his dying. Captain Lacy, lieutenants Fall and O'Shanley, and ensign Ford, are dead; I do not know whether Mr. Dearing is dead. The instrument with which Armstrong was punished does more mischief, because it bruises, and does not cut like the stripes of a cat. I did not know it at that time. His back exhibited evident marks of bruises, but was very little cut; he passed blood both ways, and was asthmatic in the lungs.

Lord chief baron.—How long had you been in the practice at that time?—A. Two or three years.

The witnesses were then called for the defence.

The first witness called, on the part of the prisoner, was Mrs. Lacy, who stated that she was the widow of captain Lacy, so frequently mentioned in the former part of the proceedings.

She was in the government-house, at Goree, on the 10th of July, 1782, when several soldiers came there to claim the payment of what was due to them for the short allowance they were placed on, while Mr. Adams was the governor. The first time they came was about nine or ten in the morning; in number they might have amounted to seventy or eighty men. They stopped opposite the government-house, and were headed by serjeant Armstrong. He addressed the prisoner, governor Wall, and swore that if he did not comply with their demand, they would break open the stores, and satisfy themselves. They came again some time afterwards, and from their manner she could not consider them to be sober. The governor next went to them, and Armstrong swore that if their request was not complied with, the stores should be broke open. The governor requested to have a few hours to consider of it, and desired them, at the same time, to return to their barracks. They then went away shouting and making a great noise. They said the governor should not leave the island till they were satisfied; and Armstrong, as well as two others, of the names of Upton and Paterson, spoke in so threatening and alarming a manner, as to make her apprehensive of great danger. It was a quarter of an hour before the governor could persuade them to depart; after which he sent for the officers off duty, (of whom her late husband was one, and lieutenant Fall and lieutenant O'Shanley the others,) whom he acquainted with the mutiny going forward. It was agreed amongst them, at that meeting, that they should not confine all the offenders at once, but take them separately, and try the ringleaders by a court-martial. The governor then sent to Spurly, the drum-major, desiring him to be prepared for executing whatever the court might determine; and, on the return of that officer, he reported that all the cats-o'-nine-tails were destroyed in the morning, and that the governor, for his own safety, should immediately embark, as the men were resolved not to submit to any of them being punished. Lieutenant O'Shanley proposed that they should be punished by the linguist and his people, as the regular drummers were engaged in the mutiny. The governor ordered the court-martial to prepare, and Lacy to have every thing ready to hold it on the parade. The linguist was sent for, and came to the government-house with the officers, Lacy, Fall, and O'Shanley.

Peter Williams was a non-commissioned officer at Goree, and recollected the day before governor Wall embarked on his return to this country. About eleven o'clock on that day, he saw

nearly a dozen men parading before the governor's house, and demanding to be paid their short allowance money. Kearney was then the orderly-serjeant upon duty. The governor refused to comply, and ordered them to return to the barracks. They did so, but returned in the evening, more numerous than before, and led on by serjeant Armstrong, Paterson, and Upton. They were very forward in insisting on the governor's compliance, and were seconded zealously by two drummers of the African corps. Armstrong said he would be d——d if he should quit the island till the people were satisfied, and the party went away in a clamorous, noisy, and disorderly manner. They came three times on the same day, and conducted themselves with equal irregularity. He heard the three parties, Armstrong, Paterson, and Upton, say, they would be d——d if they would not break open the stores. This was distinctly stated by each of them. He was present when the circle was formed on the parade, in the usual military form. The governor was outside of the ring, and three or four officers were in it, holding a court-martial upon the deceased, for mutiny. Orders to that effect were given them by the governor; but he did not hear them say any thing to the deceased. After they had come to a decision, captain Lacy left the circle to report their proceedings to the governor, upon which the latter communicated to Armstrong, that the court had sentenced him to receive 800 lashes with a rope's end. He believed the whole of the punishment was inflicted, after which Armstrong walked, unsupported, to the hospital, with his shirt thrown over his shoulders.

General Forbes had known Mr. Wall between thirty and forty years: they had served together at Havannah. After that he had not an opportunity of seeing him till the year 1786, when he met him in Paris. With respect to his character, he always knew him to behave as became an officer and a gentleman, in every respect, and with the most perfect correctness.

General Mackenzie stated, that he had known governor Wall from the year 1763 to 1770; that he had served with him, and always regarded him as a man of great humanity and good temper.

The rev. Mr. Clark stated, that he knew Mr. Wall at Pisa and at Florence, in the years 1795 and 1799; that he seemed to him to be a most tender and affectionate husband and father; and, from every part of his conduct that came under his (Mr. Clarke's) observation, he considered him as a man of distinguished humanity.

The jury retired for about three quarters of an hour, and, at their return into court, the foreman, who appeared to be affected, pronounced, in a low and faltering voice, their verdict of—*Guilty*.

The recorder, in addressing him, said, he had been most ably defended by gentlemen of abilities and experience, but religion and law hold it sacred, that he who sheds the blood of man, by men shall his blood be shed. He then proceeded to pass the fatal sentence of the law, which was, in substance—That he, Joseph Wall, be taken to the place from whence he came, and from thence to a place of execution, there to be hanged by the neck until he be dead, and his body afterwards given to be anatomised and dissected, according to the statute in that case made and provided.—“Prisoner, the Lord have mercy on your soul.”

Wall was six feet four inches high, of genteel appearance, and sixty-five years of age. He was afterwards executed at the Old Bailey, amid the plaudits of the populace, who considered his execution as the triumph of law over abused power.

CAPTAIN MACNAMARA,

FOR MANSLAUGHTER, 1803.

THE clerk of the arraigns.—“James Macnamara, you stand charged on the coroner’s inquest, for that you, on the 6th of April, 1803, did, with force of arms, in the parish of St. Pancras, in the county of Middlesex, on Robert Montgomery, esq. feloniously make an assault, and a certain pistol, of the value of ten shillings, charged and loaded with powder and a leaden bullet, which you held in your right hand, to, and against the body of the said Robert Montgomery, did feloniously shoot off and discharge, and did feloniously give, with the leaden bullet so as aforesaid discharged by force of the gunpowder, in the right side of the body of the said Robert Montgomery, one mortal wound; so the jurors, aforesaid, upon their oaths say, that you Robert Montgomery, in manner aforesaid, did feloniously kill and slay, against the peace of our lord the king, and against the form of the statute.” To which the prisoner pleaded *Not Guilty*.

Mr. Knapp then said, “Gentlemen of the jury—The only question you have to try is, whether the

gentleman who is stated in the inquisition to have lost his life, lost it by the act of the prisoner; lost it in a rencountre, which took place between them at Primrose-hill; and if you are of opinion that the prisoner was the cause of the death of the deceased, in consequence of the pistol he fired at him in that rencountre, there can be no question; but your verdict must find him guilty of manslaughter. Both the prisoner at the bar, and the gentleman who has lost his life, are persons most respectably connected. The prisoner is a gentleman of acknowledged bravery in the service of his country, and eminent for his good qualities. The deceased was a man who deserved the affection and regard of every one who knew him."—The learned counsel shortly stated the facts: he adverted to the origin of the quarrel between the prisoner and the deceased; their subsequent meeting at Primrose-hill, attended by their seconds and surgeon, and the fatal result of that meeting. The following witnesses were then called:

William Sloane, esq. sworn.—I was in Hyde-park on Wednesday, the 6th of April, between the hours of four and five in the afternoon. I was on horseback, in company with colonel Montgomery (the deceased) and my brother, Stephen Sloane. There was a Newfoundland dog following colonel Montgomery; there was another dog of the same species following some gentlemen who were also on horseback; we were in that part of Hyde-park between the bridge and the barrier; the dogs began fighting; colonel Montgomery turned round and jumped off his horse to separate them: they were separated; I heard colonel Montgomery call out—"Whose dog is this?" captain Macnamara answered, "It is my dog;" colonel Montgomery said, "If you do not call your dog off I shall knock him down." Captain Macnamara replied, "Have you the arrogance to say you will knock my dog down?" colonel Montgomery said, "I certainly shall, if he falls on my dog." About this time lord Buckhurst came up, and some further conversation passed. I heard the word arrogance made use of several times: captain Macnamara made use of it; we all proceeded to Piccadilly; colonel Montgomery and captain Macnamara gave their names to each other. The prisoner said, he was captain Macnamara of the Royal Navy; colonel Montgomery said, "It is not my intention to quarrel with you, but if your dog falls on mine, I shall knock him down." I took leave of colonel Montgomery at the top of St. James's-street, with the intention of going home. I saw Mr. Macnamara's party turning back to go down St. James's-street: at that time I had first turned up Bond-street, but returned, and again joined colonel Montgomery, who went down St. James's-street, with my brother; I afterwards saw Mr. Macnamara in Jermyn-

street. Colonel Montgomery had proceeded as far as St. James's church; they were about thirty yards from the church, when a person, I believe captain Barry, went from Mr. Macnamara to colonel Montgomery; I did not see him return again. On his cross-examination he said, "I saw the dogs begin to fight; there was no reason for supposing the dogs were set on. Captain Macnamara was dressed as a gentleman, and had the appearance of one, and there could be no reason for supposing he set his dog on the other. Colonel Montgomery said, if he did not take his dog off he would knock him down; he did not say it in the gentlest manner, as gentlemen are accustomed to speak to each other: he said, if captain Macnamara was offended at this expression he knew where to find him; he said this subsequent to the time when he knew captain Macnamara was an officer of the Royal Navy.

Stephen Sloane, esq. stated, that he was also in Hyde-park when this affair commenced; he saw the dogs fighting, and heard the threats of the deceased. Captain Macnamara rode up and said, "If you knock my dog down you must knock me down afterwards." Colonel Montgomery replied, "This public place is not proper for the adjustment of a dispute; my name is colonel Montgomery, you know where to find me." He added, captain Macnamara could not suppose he meant offence by desiring him to call off his dog, or by saying he would knock him down. Captain Macnamara said, he did not feel himself offended at that; but that if colonel Montgomery did say any thing that was intended to affront him, he would take it up with the greatest eagerness; I recollect captain Macnamara using the word "arrogant," several times. The rest of the witness's evidence in chief corroborated the statement of the former witness.

Lord Buckhurst (son of lord Westmoreland) said, he was not present at the first dispute about the dogs; he came up afterwards, and heard captain Macnamara say, that the way in which colonel Montgomery had desired him to call off his dog was arrogant, and not in language fit to be used by one gentleman towards another, colonel Montgomery said, "Do you feel yourself injured?" Captain Macnamara replied, "No; not from what you have said; but if you say any thing that shall affront me, I will take it up as soon as any man in England." Colonel Montgomery said, "It is not my intention to have any quarrel with you, but I shall adhere to what I said; and if your dog attacks mine, I will knock him down." Captain Macnamara said, he would as soon revenge an insult as any man, and would fight colonel Montgomery as well as any other man who offered him an injury. Captain Macnamara was shaking his stick, but it appeared to be an involuntary action, the consequence of his passion, and not intended as an insult.

James Harding, vintner, Jermyn-street.—I was at Chalk-farm on the Wednesday, half past six; I observed the party, captain Macnamara, colonel Montgomery, and three other gentlemen, ascending Primrose-hill. One of the party (captain Barry) desired the servant to bring a case out of the chaise; this opened

my eyes to the business. I stood about fifty yards distant from them; I saw sir W. Keir and captain Barry conversing together, and preparing the pistols; one was discharged to see whether they were in good condition; the parties separated to about six yards; colonel Montgomery fired, and captain Macnamara fired; they stood face to face; both fired at the same time; colonel Montgomery fell; captain Macnamara did not. I went up. Colonel Montgomery was extended on the ground, and, shortly after, Mr. Heaviside opened his waistcoat, and looked at his wound; it was on his right side; Mr. Heaviside administered relief to him, and then went to captain Macnamara. I think he said he was wounded, and that he must bleed him. I assisted in carrying colonel Montgomery; his eyes were fixed, and he was groaning; I saw the corpse afterwards on a bed in Chalk-farm.

The prisoner was now called upon for his defence. He entreated the court to indulge him with the permission of addressing the jury sitting, as he felt much pain and inconvenience from his wound while standing. His request was instantly complied with, and he delivered himself in these terms, but in so low and tremulous a tone, as scarcely to be heard :

"Gentlemen of the jury—I appear before you with the consolation that my character has already been freed, by the verdict of a grand jury, from the shocking imputation of murder; and that although the evidence against me was laid before them, without any explanation or evidence of the sensations which brought me into my present unhappy situation, they made their own impression; and no charge of criminal homicide was found against me. I was delivered at once from the whole effect of the indictment. I therefore now stand before you upon the inquisition only, taken before the coroner, upon the view of the body, under circumstances extremely affecting to the minds of those who were to deliberate on the transaction, and without the opportunity, which the benignity of the law affords me at this moment, of repelling that inference of even *sudden* resentment against the deceased, which is the foundation of this inquest of manslaughter.

"The origin of the difference, as you see it in the evidence, was insignificant: the heat of two persons, each defending an animal under his protection, was natural, and could not have led to any serious consequences. It was not the deceased's defending his own dog, or his threatening to destroy mine, that led to the fatal catastrophe: it was the defiance alone which most unhappily accompanied what was said: for words receive their interpretation from the avowed intention of the speaker. The offence was forced upon me by the declaration, that he invited me to be offended, and challenged me to vindicate the offence by calling upon him for satisfaction. 'If you are offended with what has passed, you know where to find me.' These words, unfortunately repeated and reiterated, have, over and over again, been con-

sidered by criminal courts of justice as sufficient to support an indictment for a challenge. These judgments of courts are founded upon the universal understandings and feeling of mankind; and common candour must admit, that an officer, however desirous to avoid a quarrel, cannot refuse to understand what even the grave judges of the law must interpret as a provocation and a defiance. I declare, therefore, most solemnly, that I went into the field from no resentment against the deceased: nothing, indeed, but insanity could have led me to expose my own life to such imminent peril, under the impulse of passion, from so inadequate a cause as the evidence before you exhibits, when separated from the defiance which was the fatal source of mischief; and, I could well have overlooked that too, if the world, in its present state, could have overlooked it also. I went into the field, therefore, with no determination or desire to take the life of my opponent, or to expose my own. I went there in hopes of receiving some soothing satisfaction for what would otherwise have exposed me in the general feelings and opinions of the world. The deceased was a man of popular manners, as I have heard, and with a very general acquaintance. I, on the other hand, was in a manner a stranger in this great town, having been devoted, from my infancy, to the duties of my profession in distant seas. If, under these circumstances, words, which the deceased intended to be offensive, and which he repeatedly invited to be resented, had been passed by and submitted to, they would have passed from mouth to mouth—have been even exaggerated at every repetition, and my honour must have been lost.

“Gentlemen, I am a captain in the British navy. My character you can only hear from others; but to maintain any character, in that station, I must be respected. When called upon to lead others into honourable dangers, I must not be supposed to be a man who had sought safety by submitting to what custom has taught others to consider as a disgrace. I am not presuming to urge any thing against the laws of God, or of this land. I know that, in the eye of religion and reason, obedience to the law, though against the general feelings of the world, is the first duty, and ought to be the rule of action: but, in putting a construction upon my motives, so as to ascertain the quality of my actions, you will make allowance for my situation. It is impossible to define in terms the proper feelings of a gentleman, but their existence has supported this happy country for many ages, and she might perish if they were lost. Gentlemen, I will detain you no longer; I will bring before you many honourable persons who will speak what they know of me in my profession, and in private life, which will the better enable you to judge whether what I have offered in my defence may safely be received by you as truth. Gentlemen, I submit myself entirely to your judgment. I hope to obtain my liberty, through your verdict; and to employ it with honour in the defence of the liberties of my country.”

Lord Hood.—I have been acquainted with the prisoner, captain Macnamara, eight or ten years; I had the good fortune to promote him in the year 1794.

Mr. Erskine.—Is he an officer of merit?

Mr. justice Heath.—His merit has nothing to do with the subject; I will not hear such a question asked.

Mr. Erskine.—Tell us then, my lord, what you know as to his general demeanour, whether he is a man who has always properly conducted himself?

Lord Hood.—I never heard of any thing to the contrary; I always considered him a man of great moderation, and of gentlemanly manners; it was from the high situation in which he stood, in my opinion, as an officer of merit, that I promoted him.

Lord Nelson.—I have known captain Macnamara nine years; he has been at various times under my command; during my acquaintance with him, I had not only the highest esteem and respect for him, as an officer, but I always looked upon him as a gentleman, who would not take an affront from any man; yet, as I stand here before God and my country, I never knew nor heard that he ever gave offence to man, woman, or child, during my acquaintance with him.

Lord Hotham.—I have known captain Macnamara since 1794; as far as ever I saw, and I have had opportunities of seeing a great deal of him, I always considered he was the strictest gentleman I ever met with; he ever deported himself evenly and properly; he was every thing one would wish in a companion.

Lord Minto.—I have the honour of knowing him since 1783, and to the beginning of 1797; I had occasion to sail on board his ship and have had frequent occasions of being in his company. In private life, from the opportunities I had of observing him, I thought him a lively, good-humoured companion, and I never heard of his being a captious or quarrelsome man, but the very reverse.

Sir Hyde Parker.—I have been acquainted with captain Macnamara since the year 1790. In the particular situation I was placed, as captain to the admiral, I had frequent opportunities of seeing him: he joined us in the year 1790. I never heard of his quarrelling. I frequently heard he was that sort of man, who would not receive an insult; but that he was far from being disposed to quarrel; he is an honourable and respectable man.

Sir Thomas Trowbridge, K. B. one of the lords of the admiralty.—I have known captain Macnamara for eight or ten years, and have been in habits of intimacy with him. I have always considered him a very estimable character, and never saw in him any disposition to quarrel.

Mr. justice Heath then addressed the jury, and the jury retired from court for about twenty minutes, and, on their return, the foreman pronounced a verdict of—*Not Guilty*.

ROBERT ASLETT,

FOR EMBEZZLEMENT, 1803.

ROBERT ASLETT was indicted, for that he being a servant of, and employed by, the governor and company of the bank of England, and as such was entrusted with a certain paper-writing called an exchequer bill, of the value of £1000, and another of the same value, and a third of the same value; on the 26th of February last, he being such servant, &c. did feloniously secrete and embezzle the said exchequer bills, and did run away with them, so belonging to the said governor and company. Other counts in the indictment varied the mode of charge, stating the said exchequer bills to be the effects of the said governor and company, &c. to which he pleaded *Not Guilty*.

Mr. Garrow opened the case. He said, the prisoner had been employed for twenty-five years in the bank of England, twenty-three of which were in the office of Mr. Abraham Newland; and it was not unfair to say, that up to the time of the unhappy cause of his present situation, he had conducted himself meritoriously. In the year 1799, having passed the gradations of his office, the unfortunate gentleman at the bar was appointed cashier; and the jury knew it was a large part of the business of the bank of England to purchase government securities, and particularly exchequer bills, which they did to supply the exigencies of government. The manner of doing it was this:—when the exchequer bills were in the market, notice was given by the directors that they would purchase them; and this

business was under the management of the cashier. All these purchases were made through the medium of Messrs. Goldsmid, and the broker of the bank. When these purchases were made, bills of parcels of them were made out and delivered to the cashier, who was the prisoner at the bar, containing an enumeration of them; and it was the duty of the prisoner, in all instances of these purchases, to compare the things purchased with the enumeration of them in the bill of parcels. When purchased, they were entered by the prisoner at the bar, in what was called the "bought-book," kept in the cashier's office. The exchequer bills, when purchased, were deposited in a strong chest, kept also in the cashier's office, until it was necessary that they should be under the immediate eye of the directors.

When exchequer bills were bought to the amount of 100,000*l.* or 200,000*l.* a certain number of them was counted off by the cashier, and another clerk counted the remainder: they were all made up into parcels by the prisoner at the bar, and there was an original book, into which it was the duty of the prisoner to make an entry. The bills were counted and examined before the director in waiting, to see if they agreed with the enumeration of the bill of parcels, and the entry of the cashier. When this entry was made, and the bills compared with it, two of the directors signed the entry, as vouchers for the cashier, that the bills thereby specified were inclosed in the strong chest; that so much had been bought, brought in, delivered to them, and they were then in the immediate care of the directors, who deposited them in the strong chest he had already stated, and that was placed in a closet appropriated to that purpose, to which there were three keys; generally speaking, it could be opened only by these three keys, each in the care of a director; in case of emergency, however, it might be opened by two, but never by less, and generally by all three. Supposing, then, any parcel of exchequer bills to be there deposited, they must there remain until the time of payment at the exchequer, which was usually called the period of their redemption; but under no condition upon earth are they suffered to come again into the money-market; they could not, by any possibility, come out of that chest but by the con-

sent and connivance of at least two of the honourable directors, in fraud of their duty, by opening their closet fraudulently; a thing not be predicated of these honourable gentlemen, but only to be stated by way of illustration of the case, to shew that the bills which afterwards did find their way into the market, after they were bought by the bank, never did find their way into the closet; for when once an exchequer bill was deposited in that closet, it never came out again until the season for redeeming it was found convenient for the public. On the 26th of February, the prisoner at the bar did carry into that room a certain number of exchequer bills in one parcel, amounting to 100,000*l.* and another parcel of 200,000*l.* and a third of 400,000*l.* making in all 700,000*l.* He had also to carry in, and make all the corresponding entries, and the book was signed by Mr. Puget and Mr. Smith, two honourable gentlemen in the direction; and the entire of them ought to have been carried in on that day; but instead of which, one whole bundle of exchequer bills, amounting to 200,000*l.* instead of carrying them in, as he ought to have done, he withdrew, and converted to his own use, or, in the language of the present indictment, embezzled, secreted, and ran away with; and the manner by which this was done should be made out to absolute demonstration before the jury.

Mr. Erskine observed, that in the act of parliament which gave the authority to issue exchequer bills, such as those now stated, the power of so issuing them was confined to a limited time. There was no power given even to the lords of the treasury to issue exchequer bills, except by act of parliament. So that these bills were either exchequer bills according to act of parliament, or they were nothing. Here he read the provision of the act of parliament under which exchequer bills could issue at the time this case happened, which enacted, "That a number of exchequer bills should issue for any sum or sums of money not exceeding five millions, in the like manner, form, and order, and subject to the like rules and directions, as in and by an act of parliament (reciting another act), provided always, that every such exchequer bill shall and may be signed by the auditor of his majesty's exchequer,

or by some person in his name, duly authorised to sign the same, with the approbation of the lords commissioners of the treasury, in writing under their hands, or by any three or more of them." Now it was admitted, that although Mr. Jennings, who signed these papers called exchequer bills, had authority to sign exchequer bills in the year 1799, yet that his authority did not extend beyond the limitation of the act of 1799; but it happened by omission or accident, without any fault in any body, that this power had not been given to Mr. Jennings on the two last occasions of issuing exchequer bills, or rather, on issuing those pieces of paper called exchequer bills; if they were not such, they were not what they were described to be in the indictment—they were not exchequer bills, they were not government security for the payment of money, under the authority of parliament—they were, in fact, nothing at all of which their lordships could take notice in a court of justice.

Mr. serjeant Best followed on the same side, and stated that he should trouble the court only with a single observation. He contended, that the bills charged on in the indictments, were not exchequer bills under the act of parliament which bore, "Provided always, that such exchequer bills shall and may be signed," by certain persons, not one of whom had put their names to the bills in question.

The chief baron said, the case of the prisoner is similar to an indictment for stealing a half-crown, the *current coin* of the realm, which afterwards turns out to be a half-crown of *base metal*. The prisoner must be acquitted.

Mr. justice Rooke—I am of the same opinion. It is stated in the indictment, that the security stolen was a bill of exchange; and it turns out that it was not a bill of exchange from the informality of issuing it.

Mr. Garrow—Before the prisoner is removed from the bar, it is necessary I should address a few words to the court, in order that the prisoner may not be suffered to return again into the bosom of that society he has so greatly injured. It is true he has escaped the criminal justice of the country, and its views have been defeated, but he will not escape the civil justice. It has taken

considerably more than one hundred thousand pounds to buy up the exchequer bills re-issued by the prisoner. It is but just he should be made to pay; I therefore entreat that he may be remanded.

The jury were then directed to acquit the prisoner, which they did immediately.

After a few words from the bench, the chief baron ordered him again into custody. He was detained some years in Newgate, and finally permitted to transport himself for life.

ANNE HURLE,
FOR FORGERY, 1804.

ANNE HURLE, aged 22, a woman of a very interesting appearance, was capitally indicted at the Old Bailey, January 14th, 1804, for having forged, uttered, and published, as true, in the city of London, a letter of attorney, with the name of Benjamin Allin thereunto subscribed, purporting to have been signed, sealed, and delivered, by a gentleman of that name residing in Greenwich, in the county of Kent, a proprietor of certain annuities and stock, transferable at the Bank of England, called three per cent. reduced annuities, for the purpose of transferring the sum of £500 of said annuities to herself, with an intent to defraud the governor and company of the Bank of England, against the statute.

George Francillon, a stock-broker, said, he had been acquainted with the prisoner at the bar for five or six months, and recollected her applying to him on Saturday the 10th of December last, at the bank coffee-house, and requesting him to take out a power of attorney for the sale of £500 Reduced. She told the witness it was to be taken out of the stock of a Mr. Benjamin Allin, of Greenwich, who, she said, was an elderly gentleman; that she had been brought up in his family from her infancy, and that her aunt had been for many years house-keeper and nurse to Mr. Allin. The prisoner then said, that this £500 stock was a gift made to her by Mr. Allin, for her great attention to him during her stay at his house.

The witness, on hearing this, took out a power of attorney from the bank-office, and delivered it to her that same day, which he desired her to take to Greenwich, in order to get it executed. She told the witness she should have it executed that afternoon,

and return with it on the Monday morning, in order to transfer the stock into her own name. She accordingly brought back the deed on Monday morning, at eleven o'clock, executed in the name of Benjamin Allin. (The deed was here shewn to the witness, who attested it as being the same which the prisoner brought to him.) He then desired her to wait a few minutes, till he went to the proper officer at the bank, in order to have the power passed; and as she had said she was inclined to sell the stock, he told her he would inquire the price of it in the market, and let her know.

Having left the power of attorney at the bank, he returned in about twenty minutes afterwards, and the clerk of that office told him, that Mr. Bateman, the clerk who passed the powers, desired to see him. He accordingly went, in company with the prisoner, to that gentleman, who said that the signature of Benjamin Allin differed from that gentleman's hand-writing, which they had at the bank. The witness told Mr. Bateman he did not know Mr. Allin; that he only knew Anne Hurle, who applied for the power of attorney.

Anne Hurle, on being questioned by Mr. Bateman, said, she had been brought up in Mr. Allin's family from a child; that he was a very old man, nearly ninety years of age, in a very infirm state of health, and, if the hand-writing differed, she could account for it in no other way, but by his not being accustomed to writing, which might occasion some difference in the signature; but, if it was necessary, she said she would take out a fresh power of attorney. Mr. Bateman said, that as he had some recollection of an acquaintance with Mr. Peter Verney, a cheesemonger in Greenwich, (whose name he saw on the deed as a witness), he told her she might take it to that gentleman, and get him to certify what he (Mr. Bateman) would write upon the power of attorney. Mr. Bateman accordingly wrote the words, "The within Benjamin Allin has been for many years personally known to me." He then delivered the deed to the prisoner, and they parted.

The prisoner returned at the appointed time with the power of attorney, signed on the back, "Peter Verney, cheesemonger." Mr. Bateman still delayed settling the business till Wednesday, intending in the mean time to make further inquiries concerning this power of attorney. He was soon convinced of the deception. On the Wednesday, he went to the bank very early to call on Mr. Newman, of the Reduced office: and in going through the rotunda of the bank, he observed the prisoner, and a man with her, standing near to the door. He did not see her again till apprehended. After mentioning the circumstances to Mr. Newman, he accompanied that gentleman to the accountant-general's office, and afterwards to the directors of the bank, to whom the witness delivered up the power of attorney.

Mr. Thomas Bateman, inspector of letters of attorney at the bank, swore to the power of attorney shewn to him, as he had put a mark at the corner of it. On this witness stating his ob-

jection to the signature when the prisoner called at his office along with the last witness, she said, she expected it would be so, and that Mr. Allin had been so long out of the habit of writing, that her aunt had to sign all his drafts on his banker. The deponent observed to her, that perhaps her aunt had also signed the power of attorney. To this she replied, "No, you may depend upon it that Mr. Allin has signed it himself." The deponent then said to her—"If I may put the question, what is this old gentleman going to do with this £500?" To this she answered, that he was going to make her a present of it, for the great attention she had for many years paid him, and that her aunt was willing he should do so.

Benjamin Allin said, he resided at Greenwich, and had a person of the name of Jane Hurle in his service, and knew Anne Hurle, her niece, but had not been much in her company, nor in any company whatever. On being shewn the power of attorney, he deposed, that it was not his hand-writing, and that he had not signed any paper whatever since the first day of December. He had no occasion to sign any papers, but receipts to receive money from his bankers: he had not written his name at full length for several years past: he never authorised any person to sell his stock. Did not know Peter Verney by name, though he might, perhaps, know him by sight. Had seen a person of the name of Nowland, (the other alleged witness to the deponent's signature,) but could not say that he had ever executed any deed in that person's presence. On being asked, if he ever signed any paper in presence of Peter Verney, this witness, who was quite superannuated, answered, "O Lord, I do not know that ever I did: Oh, no, I did not: if I did, can't those persons come and say it?" When he had occasion to sign papers, they were commonly presented to him by Jane Hurle, his housekeeper, an old lady, who attended to all his affairs.

Peter Verney, a cheesemonger at Greenwich, said, that he never saw Mr. Benjamin Allin till this morning, as that gentleman always confined himself to his house: he farther deposed, that his hand-writing was not on the power of attorney shewn him.

Thomas Nowland deposed, that he never saw Mr. Allin but once, and that was about twelve years ago, when he was removed from one house in Greenwich to another. He knew the prisoner perfectly well, being related to her. His name on the deed was not in his hand-writing.

The prisoner was now called on for her defence, but she left it to her counsel. No witnesses were adduced to speak in her behalf. She was much affected, and fainted twice during the trial. The jury, after deliberating a short time, returned a verdict of *Guilty*.

The recorder, previous to his pronouncing the awful sentence of death, observed, that her offence was greatly aggravated by her practising forgery upon an old in-

firm man, who was in a great measure incapable of attending to his own concerns.

For eight days previous to her execution this unhappy woman had taken but little nourishment; and her sufferings, while attending the condemned sermon preached on the preceding Sunday, were so intense, that she was several times deprived of sensation, and supposed to be dead. A petition was presented to the king on her behalf; but an answer was returned, that she need not entertain hopes of mercy, her crime being of that magnitude that admitted of no other alternative than the execution of the law. She attempted to protract the fatal moment by pleading pregnancy, and so contrived to baffle the skill of the women appointed to examine her, that they could not come to any satisfactory decision. In order, therefore, to decide the point, the sheriffs had recourse to the judgment and experience of Dr. Thynne, whose report negatived the plea of the prisoner, and she was executed February, 8, 1804.

THE DUKE D'ENGHEIN,

FOR CONSPIRACY AGAINST THE GOVERNMENT OF
FRANCE, 1804.

THE duke d'Enghein was the son of the duke de Bourbon, uncle to Louis XVI., XVIII., and Charles X.; and the two former having no male heirs, and the duke d'Angouleme, the son of the latter, having no children, he was heir apparent of the Bourbon dynasty. After the republican furor had abated, and Napoleon had placed himself on the French throne, the Bourbons entertained the hope, that by deposing Napoleon they might be restored; and different courts of Europe concurred in promoting their plans, among which, that of England, then at war with France, was very zealous. The diplomatic agents of France contrived, however, at different courts, to penetrate and baffle their secret machinations, and some extraordinary disclosures were made to the world. At this juncture the duke d'Enghein, the most enterprising of the French princes, had taken up his residence close to the French frontiers, in

the territories of the elector of Baden; and his name having been used by some of the detected conspirators at Paris, the French government adopted the audacious measure of seizing his person in the neutral territory; the particulars of which, and of the subsequent proceedings, were, in 1823, given to the world by general Savary.

"Of all the conspiracies," says general Savary, "the most celebrated and the most dangerous for Napoleon was that of Georges Cadoudal; because he reckoned among the number of his accomplices two generals, one of whom exercised a great influence over the army."

It is still uncertain whether there was a design to kill the first consul, or merely to overthrow his authority; but that the conspiracy existed is a fact which it is impossible to controvert. When it was discovered, the first consul was in the zenith of his power.

On February 15, general Moreau was arrested, on the report of the grand judge, and the whole of France was in expectation of the greatest events.

The process against Georges was instituted with the greatest solemnity. Georges was considered only as an instrument put in action by a more powerful hand than his own. The interrogatories were multiplied; and questions were eagerly put, sometimes to the friends of Georges,—then to his accomplices,—and, lastly, to the individuals who had lived in the same houses with these persons. All these researches were of no avail.

At length two subordinates of Georges declared, that, every ten or twelve days, their master received the visit of a personage of whose name they were ignorant, but who must be of the highest importance. He appeared to be about thirty-six years of age, of a fair complexion, middling stature, and well dressed; great respect was shown to him; and, on his entering the apartment, every one rose, and continued standing, even MM. de Polignac and De Riviere. He habitually closeted himself with Georges, and both were always together by themselves. Georges was supplied with considerable sums, together with all those who had been disembarked in the same manner by captain Wright. This circumstance proved that the enterprize was projected in a high

quarter. To this were joined the depositions of some of Georges' subordinates, who related what had been said to them on delivering the poignards which were found upon them. It was conjectured, that the mysterious personage of whom they were in search could only be one of those who were particularly interested in the success of the project.

The names of the princes of the house of Bourbon were then called over. It could not be Monsieur the count d'Artois: his age was opposed to the idea. It could not be the duke de Berri: the people connected with Georges knew him personally, and they affirmed he was not the man. The idea could not for a moment be entertained of the duke d'Angouleme: he was at Mittau, with the king. The duke de Bourbon was in London, and his description did not correspond with that of the unknown personage. Their conjectures then turned on the duke d'Enghein, who was residing in the states of Baden, near the Rhine.

The confession of the two subordinates of Georges, and the conjectures which were afloat, on which the mind rested for want of more ample information, were communicated to the first consul. He immediately dispatched an envoy to the spot, to ascertain what had been the pursuits of the duke d'Enghein for the previous six months. The counsellor of state (Réal) being charged with this affair, lost no time, but repaired to the first inspector general of the *gendarmerie*, (general Moncey), traced before him the route which the envoy ought to pursue, and declared to him that the first consul desired that he might depart forthwith. The general immediately chose an officer of his department, communicated to him the instructions which he had just received, and desired him to repair to the spot.

He set out with all speed, and soon after arrived at Strasbourg; there he learned that the duke d'Enghein was almost every week at the theatre of that city. The officer proceeded to Ettenheim from Strasbourg; observed, questioned, and concluded from every thing that he saw, and from all that he heard, that the confederacy of the duke d'Enghein with Georges was a fact sufficiently proved. He hastened therefore to make

out his report, and to repair to Paris. "The duke d'Enghein leads," said he, "a mysterious life; he receives a great number of emigrants, who come from Offenbourg to meet at his house; he is frequently absent eight, ten, and twelve days, without any one being able to penetrate the secret: it must therefore be to Paris that he resorts."

The first inspector of *gendarmerie* received this report, and immediately carried it himself to the first consul, instead of remitting it into the hands of M. Réal, who was entrusted with the affair. The latter also set out for Malmaison shortly after; he was asked how it was possible that the police should remain ignorant of what was passing at Ettenheim. "I am waiting," said M. Réal, "the return of an officer of *gendarmerie*, who has been dispatched to the spot, and authorised to report to me what is passing there." "Here is this report," replied the first consul: "it is through him, and by means of the prefect of Strasbourg (M. Shée, uncle of the duke of Feltre,) that I am just made acquainted with every thing concerning the duke d'Enghein; but this state of things shall not last long: I have given orders to carry him off by force, with all his papers: this exceeds pleasantry. It would be rather too absurd for the emigrants to be suffered to come from Ettenheim to organize a plot of assassination against me, and that they should think themselves in security because they are on a foreign territory."

Immediately after the departure of the officer of *gendarmerie*, Napoleon held a privy council; at the termination of which the minister of war gave orders to the colonel of the horse grenadiers to repair to Neuf-Brisach; to have an interview with the *gendarmerie* which would be placed at his disposal; to take from the garrison the number of men that he might think necessary; to pass the Rhine, and proceed rapidly to Ettenheim; bring off the duke d'Enghein by main force, and send him to Paris, together with all his papers.

The colonel of grenadiers departed on his mission, punctually obeyed his orders, and the prince was brought to Strasbourg; the telegraph announced his departure from that city, and he was from thence trans-

ferred to Paris. The colonel of grenadiers and the aide-de-camp of the first consul arrived separately.

General Savary being on service at Malmaison, was one day suddenly called into the cabinet of the first consul, who handed him a sealed letter, with an order to carry it directly to Murat, governor of Paris; who took the letter, read it, and told Savary that orders would immediately be communicated to him, connected with those which he had just deposited in his hands.

Savary next received an order to take under his command a brigade of infantry, which occupied the extremities of the Faubourg St. Antoine, and which was to assemble at Vincennes at ten o'clock at night. The discovery of the conspiracy of Georges, in which Moreau was found comprised, excited the solicitude of government even in the most trifling affair.

About eight o'clock in the evening, Savary repaired to the spot to assemble the brigade. Up to the moment of his learning at Vincennes that the duke d'Enghein had arrived there from Strasbourg, at four o'clock in the afternoon, under an escort of *gendarmérie*, Savary firmly believed that he had been found in a lurking place in Paris, as were the companions of Georges. A commission was formed of various colonels, whose regiments formed the garrison of Paris, and the commandant of the place became the chief. This commission had nothing to proceed upon but the report of the officer of *gendarmérie* sent to Ettenheim, and the documents sent by M. Shée, the prefect. The persons who composed it were not of exaggerated opinions; they were, like the rest of France, indignant at a project, the object of which was the assassination of Napoleon; and they were persuaded that Georges only acted under the direction of a prince who was interested in the success of the enterprise.

The commission assembled in the great hall of that part occupied by the castle; its sittings had been convoked, not merely by order of the first consul, but by a decree of government, countersigned by the secretary of state, and addressed to the governor of Paris, who handed it over to the president. Each of the members who composed it had received his nomination separately,

before repairing to Vincennes, and that without its being communicated to any other individual; the doors of the hall were open, and free of access, and there were a vast number of persons assembled.

The duke d'Enghein repelled with indignation the imputations which were alleged against him of participating in an attempt at assassination; and confessed, that he never had any other intention of entering France but sword in hand. From the warmth which he displayed in speaking to his judges, it was easy to perceive that he felt confident of an acquittal. The commission allowed him to speak as long as he thought proper; and, when he had finished, they observed to him, that he was either unacquainted with the serious nature of his situation, or wished to decline replying to the questions put to him; that he confined his statement to his high birth, and the glory of his ancestors; but that he would better serve his cause by adopting another system of defence. They added, that they had no desire to take advantage of his situation; but that it was impossible he could be so completely ignorant, as he said he was, of what was passing in France, when not only the place where he resided, but France and all Europe, were awaiting the issue.

The duke d'Enghein, after a moment's pause, replied, gravely;—"Sir, I understand you perfectly: my intention was not to remain indifferent to the situation of affairs. I solicited from the government of England permission to enter into her service in the army; and their reply was, that my wishes could not be complied with, but that I might remain on the borders of the Rhine, where I should immediately have a part assigned me; and I was awaiting the result. Sir, I have nothing more to communicate to you."

This open confession decided the fate of the duke d'Enghein. He had previously spoken of pecuniary assistance which he had received from the court of England, which was a pension granted to him by the English government; but he had expressed himself so as to make it appear that, instead of a regular maintenance, it might be a sum of money destined, like that which Georges had received, to pay the expenses of

the conspiracy: and, his judges not knowing the state of his finances, this peculiarity only added to the suspicions which were excited against him.

The commission now closed the discussion, and caused the hall to be cleared, in order to deliberate in private. They debated for some time; and it was not until two hours after the hall had been cleared, that the judgment was known. The officer who commanded the infantry of Savary's legion went to inform him, with the deepest emotion, that a piquet was demanded of him, for the purpose of putting the sentence of the military commission into execution. "Give it, then," replied he. "But where (said the officer) ought I to place it?" "In a spot where there can be no danger of wounding any passengers;" for already the inhabitants of the populous environs of Paris were on their way to the different markets. After having carefully examined the spot, the officer chose a ditch, as the place in which there was the least danger from random shots. The duke d'Enghein was conducted to it by the staircase of the entrance-tower on the side of the park; and there he heard his sentence pronounced, which was speedily put in force.*

The duke was shot at six in the morning, soon after sunrise, and his body was interred in his clothes; and on its disinterment since the restoration of the Bourbons, even his watch and jewels were found undisturbed.

It was the general opinion, that the confession of the duke d'Enghein proved his ruin; and that otherwise his accusers would not have been able to find, in the papers which were remitted to them, sufficient means to justify his condemnation.

After the execution of the sentence, Savary dismissed the troops into their *casernes* and their respective cantonments, and again returned to Paris. He had just approached the barrier when he met M. Réal, who was proceeding towards Vincennes in the costume of counsellor of state. He stopped him to inquire whither he was going? "To Vincennes," replied he: "I received

* Between the sentence and the execution, a ditch had been dug: this gave rise to the unfounded report, that it had been dug before the judgment was pronounced.

last night an order from the first consul to proceed thither in order to interrogate the duke d'Enghein." Savary then related to him the melancholy event of the morning, and M. Réal appeared as astonished as he was confounded at the orders which he had received. "I then began to reflect on the whole of this mysterious affair," says Savary, "and I began, for the first time, to doubt whether the death of the duke d'Enghein was the work of Napoleon."

On Savary's return to Paris, Napoleon could not conceive how the commission had caused sentence to be executed upon the duke before the arrival of the counsellor Réal; he looked at him with the eyes of a lynx, and then said, "There is in this affair something which I cannot comprehend. That the commission should have pronounced sentence on the confession of the duke of d'Enghein does not so much surprize me; but it appears certain, that they received this confession only at the commencement of the trial, and sentence ought not to have been passed until after M. Réal had interrogated him on a point which it was important for me to have cleared up." And he again repeated,— "There is in all this something which I am unable to fathom; here is a crime perpetrated which leads to nothing, and which will tend only to render me odious in the eyes of all Europe!"

General Hullin, president of the council of war, has also published a narrative of his knowledge of the affair. He describes the hurried manner in which he and his brother officers were made parties; and alleges, that the pertinacity of the prince led to his conviction; that the court referred the sentence to Napoleon; and that he and his brother officers were overwhelmed with horror on hearing the execution, even while they were leaving the castle: in short, he points at Savary as the contriver of the whole. At any rate, the culpability seems to lie between Murat, (governor of Paris,) Savary, and Talleyrand; and the two last, under the Bourbons, have recriminated on one another.

JOHN HATFIELD,

FOR FORGERY, September 3, 1803.

THE Keswick Impostor was born in 1759, at Mortram, Cheshire, of low descent, but possessed of much natural abilities. He quitted his family, and was employed in the capacity of a rider to a linen-draper in the north of England. In the course of this service, he became acquainted with a young woman, the natural daughter of Lord Robert Manners, who intended to give her one thousand pounds, provided she married with his approbation. He accordingly paid his respects to the parent, who, conceiving the young man to be what he represented himself, gave his consent at the first interview; and, the day after the marriage took place, presented the bridegroom with a draft on his banker for 1500*l*.

Shortly after the receipt of his lordship's bounty, Hatfield set off for London, hired a small phaeton, was perpetually at the coffee-houses in Covent Garden, and described himself, to whatever company he chanced to meet, as a near relation of the Rutland family. The marriage portion being exhausted, he retreated from London, and was scarcely heard of until about the year 1782, when he again visited the metropolis, having left his wife, with three daughters she had borne to him, to depend on the charity of her relations. Happily she did not long survive.

In the year 1784 or 1785, His Grace the Duke of Rutland was appointed Lord Lieutenant of Ireland, and, shortly after his arrival in Dublin, Hatfield made his appearance in that city. He immediately, on his landing, engaged a suite of apartments at a hotel in College-green, and represented himself as nearly allied to the Viceroy, but that he could not appear at the castle until his horses, servants, and carriages, were arrived, which he ordered, before his leaving England, to be shipped at Liverpool. The easy and familiar manner in which he addressed the master of the hotel, perfectly satisfied him that he had a man of consequence in his house, and matters were arranged accordingly. This being adjusted, Hatfield soon found

his way to Lucas's coffee-house, a place which people of a certain rank generally frequent, and, it being a new scene, the Yorkshire Park, the Rutland estate, and the connexions with the Rutland family, stood their ground very well for about a month.

In 1792 he went to Scarborough, introduced himself to the acquaintance of several persons of distinction in that neighbourhood, and insinuated that he was, by the interest of the Duke of Rutland, soon to be one of the representatives in parliament for the town of Scarborough. After several weeks' stay at the principal inn at Scarborough, his imposture was detected by his inability to pay the bill. Soon after his arrival in London he was arrested for this debt, and thrown into prison. He had been eight years and a half in confinement, when a Miss Nation, of Devonshire, to whom he had become known, paid his debts, took him from prison, and gave him her hand in marriage.

Soon after he was liberated, he had the good fortune to prevail with some highly respectable merchants in Devonshire, to take him into partnership with them, and with a clergyman to accept his drafts to a large amount. He made, upon this foundation, a splendid appearance in London, and, before the general election, even proceeded to a canvass in the borough of Queensborough. Suspicions in the mean time arose in regard to his character and the state of his fortune. He retired from the indignation of his creditors, and was declared a bankrupt, in order to bring his villanies to light. Thus having left behind his second wife, and two infant children, at Tiverton, he visited other places; and at length, in July, 1802, arrived at the Queen's Head, in Keswick, in a carriage, but without any servant, where he assumed the name of the *Honourable Alexander Augustus Hope*, brother of the Earl of Hopetoun, and member for Linlithgow.

Unfortunately he directed his steps to the once happy cottage of poor Mary, the daughter of Mr. and Mrs. Robinson, an old couple, who kept a small public-house at the side of the beautiful lake of Buttermere, Cumberland, and by industry gained a little

property. She was the only daughter, and probably her name had never been known to the public, but for the account given of her by the author of "A Fortnight's Ramble to the lakes in Westmorland, Lancashire, and Cumberland." He now became acquainted with an Irish gentleman, and member of the then Irish parliament, who had been resident with his family some months at Keswick. With this gentleman, and under his immediate protection, there was likewise a young lady of family and fortune, and of great personal attraction. One of the means which Hatfield used to introduce himself to this respectable family was the following:—Understanding that the gentleman had been a military man, he took an army-list from his pocket, and pointed to his assumed name, the Honourable Alexander Augustus Hope, lieutenant-colonel of the 14th regiment of foot. This new acquaintance daily gained strength; and he shortly paid his addresses to the daughter of the above gentleman, and obtained her consent. The wedding clothes were bought; but, previously to the wedding-day being fixed, she insisted that the pretended Colonel Hope should introduce the subject formally to her friends. He now pretended to write letters, and, while waiting for the answers, proposed to employ that time in a trip to Lord Hopetoun's seat, &c.

From this time he played a double game: his visits to Keswick became frequent, and his suit to the young lady assiduous and fervent. Still, however, both at Keswick and Buttermere, he was somewhat shy of appearing in public. He was sure to be engaged in a fishing expedition on the day on which any company was expected at the public-house at Buttermere; and he never attended the church at Keswick but once.

Finding his schemes baffled to obtain this young lady and her fortune, he now applied himself wholly to gain possession of Mary Robinson. He made the most minute inquiries among the neighbours into every circumstance relating to her and her family, and at length the pretended Colonel Hope, in company with the clergyman, procured a licence on the 1st of

October, and they were publicly married in the church of Lorton, on Saturday, the 2d of October.

On the day previous to his marriage, he wrote to Mr. ——— informing him, that he was under the necessity of being absent for ten days on a journey into Scotland, and sent him a draft for thirty pounds, drawn on Mr. Crump, of Liverpool, desiring him to cash it, and pay some small debts in Keswick with it, and send him over the balance, as he feared he might be short of cash on the road. This Mr. ——— immediately did, and sent him ten guineas in addition to the balance. On the Saturday, Wood, the landlord of the Queen's Head, returned from Lorton with the public intelligence, that Colonel Hope had married the *Beauty of Buttermere*. As it was clear, whoever he was, that he had acted unworthily and dishonourably, Mr. M———'s suspicions were of course awakened. He instantly remitted the draft to Mr. Crump, who immediately accepted it. Mr. M———, the friend of the young lady whom he first paid his addresses to, wrote to the Earl of Hopetoun. Before the answer arrived, the pretended honourable returned with his wife to Buttermere. He went only as far as Longtown, where he received two letters, seemed much troubled that some friends whom he had expected had not arrived there, stayed three days, and then told his wife that he would again go back to Buttermere. From this time she was seized with fears and suspicions. They returned, however, and their return was made known at Keswick. A Mr. Harding, a Welsh judge, and a very singular man, passing through Keswick, heard of this impostor, and sent his servant over to Buttermere with a note to the supposed Colonel Hope, who observed, "that it was a mistake, and that the note was for a brother of his." However, he sent for four horses, and came over to Keswick; drew another draft on Mr. Crump, for twenty pounds, which the landlord at the Queen's Head had the courage to cash. Of this sum he immediately sent the ten guineas to Mr. ———, who came and introduced him to the judge, as his old friend Colonel Hope. But he made a blank denial that he had ever assumed the name. He had said his name was Hope

but not that he was the *honourable member for Linlithgow, &c. &c.*; and one who had been his frequent companion, his intimate at Buttermere, gave evidence to the same purpose.

In spite, however, of his impudent assertions, and those of his associate, the evidence against him was decisive. A warrant was given by Sir Frederick Vane on the clear proof of his having forged and received several franks as the member for Linlithgow, and he was committed to the care of a constable. Having, however, found means to escape, he took refuge for a few days on board a sloop off Ravinglass, and then went in the coach to Ulverstone, and was afterwards seen at the hotel in Chester.

He was traced to Bruelth, in Brecknockshire, and was at length apprehended about sixteen miles from Swansea, and committed to Brecon jail. He was however conveyed up to town by one of the Bow-street officers, where he was examined on his arrival before the magistrates. The solicitor for his bankruptcy attended to identify his person, and stated, that the commission of bankruptcy was issued against Hatfield in June, 1802; that he attended the last meeting of the commissioners, but the prisoner did not appear, although due notice of the bankruptcy had been given in the Gazette, and he himself had given a personal notice to the prisoner's wife, at Wakefield, near Tiverton, Devon. Mr. Parkyn, the solicitor to the post-office, produced a warrant from Sir Fletcher Vane, Bart. a magistrate for the county of Cumberland, against the prisoner, by the name of the Hon. Alex. Augustus Hope, charging him with felony, by pretending to be a member of parliament of the United Kingdom, and franking several letters by the name of A. Hope, to several persons, which were put into the post-office at Keswick, in Cumberland, in order to evade the duties of postage. Another charge for forgery, and the charge of bigamy, were explained to him, but not entered into, as he was committed for trial for these charges at the next assizes at Carlisle.

His trial came on August 15, 1803, at the assizes for Cumberland, before the Honourable Alexander Thompson, Knt.

Mr. *Scarlet*, having given an ample detail of the prisoner's guilt, now called evidence in support of what he had advanced: Mr. *Quick*, who was clerk in the house at Tiverton, where Hatfield was partner, swore to his hand-writing.

The Rev. Mr. *Nicholson* swore to all the facts already stated, adding, that when the prisoner was asked his name, he said, it was a comfortable one, *Hope*. The other witnesses were Mr. *Joseph Skelton*, of Rockliffe, Cumberland; Mr. *George Wood*, of Keswick, innkeeper; *John Gregory Crump*, and *Colonel Parke*, who was well acquainted with the real Colonel Hope.

The evidence for the prosecution having closed, the prisoner then addressed himself to the jury. He said he felt some degree of satisfaction in being able to have his sufferings terminated, as they must of course be by their verdict. For the space of nine months he had been dragged from prison to prison, and torn from place to place, subject to all the misrepresentations of calumny. "Whatever will be my fate," said he, "I am content; it is the award of justice, impartially and virtuously administered. But I will solemnly declare, that in all my transactions, I never intended to defraud or injure the persons whose names have appeared in the prosecution. This I will maintain to the last of my life."

The jury consulted about ten minutes, and then returned a verdict—*Guilty of Forgery*.

At eight o'clock the next morning, the court met again, when the prisoner appeared at the bar to receive his sentence. A notion very generally prevailed that he would not be brought to justice, and the arrival of the mail was daily expected with the greatest impatience. No pardon arriving, September 3, 1803, (Saturday) was at last fixed upon for the execution. The gallows was erected the preceding night between twelve and three, in an island formed by the river Eden, on the north side of the town, between the two bridges. From the hour when the jury found him guilty, he behaved with the utmost serenity and cheerfulness.

As soon as the carriage-door was opened by the under sheriff, the culprit alighted with his two companions. A small dung-cart, boarded over, was placed under the gibbet. A ladder was placed to this stage, which he instantly ascended. He immediately untied his neck-handkerchief, and placed a bandage over his eyes. Then he desired the hangman, who was extremely awkward, to be as expert as possible about it, and that he would wave his handkerchief when he was ready. Having taken his leave of the gaoler and the sheriff, he prepared himself for his fate. He was at this time heard to exclaim, "My spirit is strong, though my body is weak."

Notwithstanding his various and complicated enormities, his untimely end excited considerable commiseration. His manners were extremely polished and insinuating, and he was possessed of qualities which might have rendered him an ornament to society. The unfortunate Mary of Buttermere went from home to avoid the impertinent visits of unfeeling curiosity. By all accounts she was much affected; and, indeed, without supposing that any part of her former attachment remained, it is impossible that she could view with indifference the tragical fate of one with whom she had been on such a footing. When her father and mother heard that Hatfield had certainly been hanged, they both exclaimed, "God be thanked!"

EDWARD KEARNEY, ALIAS CARNEY,

THOMAS MAXWELL ROCHEY; OWEN KIRWAN, JAMES

BYRNE, FELIX ROURKE, JOHN KILLIN, JOHN

M'CANN, ROBERT EMMETT, HENRY HAWLEY, JOHN

M'INTOSH, THOMAS KEENAN, DENNIS LAMBERT

REDMAN, and THOMAS RUSSELL,

*For High Treason in Dublin, and the murder of Lord
Kilwarden and his Nephew, the Rev. Rich. Wolf.*

A well-digested conspiracy in 1803, threatened the city of Dublin with the most serious calamities. At

an early hour on the evening of July the 23d, a variety of inflammatory proclamations were distributed in every part of the town, calling upon the people to unite as before, in opposition to English oppression, &c. and at so early an hour as eight o'clock a large party forced into the Lord Mayor's house, and seized all the arms and pikes which were deposited there; and about ten o'clock a general engagement took place in the neighbourhood of James-street, Thomas-street, and in every part of the liberty.

One of the early acts was the murder of Lord Kilwarden (the chief justice of the King's Bench,) a gentleman about sixty years of age, and his nephew, the Rev. Mr. Richard Wolf. Miss Wolf, the daughter of Lord Kilwarden, was with them in the post-chaise. They were returning from his lordship's country-seat, called from thence, as reported, by a forged message. Just as the carriage came along the market-house in Thomas-street, Lord Kilwarden was recognized, and a mob, hitherto concealed, rushed upon it in every direction, armed with guns, blunderbusses, pikes, swords, &c. Some seized the horses by the head, and dragged the postilion from his seat; while others rushed on each side of the carriage, and opened the doors. Miss Wolf sat between them, and they were both dragged out by these inhuman fiends from her side, one from each door. In a state of distraction at this inhuman proceeding, and terrified by the horrid banditti, who surrounded the carriage, Miss Wolf jumped out, and was received in the arms of one of them, who carried her through the crowd unhurt, to an opposite house, where she remained secreted until four o'clock on Sunday morning, when she was conveyed to the castle.

Major Swan, with a strong detachment under his command, was ordered by government to repair to Thomas-street, the principal scene of the insurrection. A small part of the military had already skirmished there with the rebels, and a considerable number of the latter were killed and wounded. When the major arrived there, he saw several lying dead in the street, and one man only with a pike, who was fired at. Lord Kilwarden had been carried to the watch-house

in Vicar-street, where Major Swan saw him lying on the guard-bed, dreadfully lacerated ; his nephew, Mr. Wolf, was killed on the spot. His lordship, although nearly expiring at the time, knew the major, and appeared perfectly in his senses. He eagerly inquired as to the fate of his daughter, and being assured by the major of her safety, he exclaimed, with an emotion of gratitude to Heaven, " Thank God !" A military gentleman present, naturally filled with indignation, observed, that every man taken with a pike in his hand ought to be instantly hanged ; which Lord Kilwarden overhearing, turned to Major Swan, and most impressively exhorted him " to let no man be hanged without being brought to trial !"

A party of military and yeomanry, under the command of Col. Brown, attacked a body of rebels in Francis-street, whom they drove before them down the Coombe, with great slaughter ; but Col. Brown, and two members of the Liberty Rangers, Mr. Edmiston, and Mr. Parker, were killed in the conflict : two others were dangerously wounded.

In consequence, the Habeas Corpus Act was suspended by proclamation, and orders given to all magistrates, &c. in the usual form, not to suffer any person to quit the kingdom without a passport. Large rewards were offered for the apprehension of the offenders, and several persons having been arrested and examined before the privy-council, were committed for trial.

EDWARD KEARNEY, alias Carney, was the first. He was tried by a special commission at Green-street, before Lord Norbury, Baron George, Baron Daly, and Lord Finucane, August 31, 1803. The attorney-general, Standish O'Grady, Esq. addressed the court and jury in a speech which lasted nearly one hour and a half, on the nature of treason, and how the Act of the 25th of Edward III. applied.

PATRICK M'CABE, who had turned approver for the crown, admitted, that he was concerned in the rebellion of 1793 : that he was informed of the present business the day before the rebellion ; he proved the general circumstances of the transaction, but he did not prove the identity of the prisoner.

The principal evidence against the prisoner was a lieutenant, and Adjutant *Brady*, of the 21st regiment, who proved the finding him in arms on the night of the 23d: this was confirmed by a private of the same regiment, though there were some trifling difference in the evidence.

The prisoner's defence consisted of a speech of considerable length, from his counsel, Mr. C. The prisoner he represented as a poor, but honest and industrious, hawker of skins, who had been that fatal evening pressed into the service of the insurgents. Certain evidences were adduced to prove an alibi for him, and others to give him a good character: he was, notwithstanding, after the jury had retired for a few minutes, found *Guilty*.

Lord *Norbury*, previous to recapitulating the evidence, which he did very minutely, laid down the law of high treason, and stated, from several eminent law reports, the different mode of practice adopted by the courts in England. His lordship was peculiarly affecting in pronouncing sentence of death on the unhappy prisoner, whose levity of manner in the mean while bordered on insanity, while aiming to exculpate himself.

On the following Friday (September 2;) he was executed in Thomas-street, where he was apprehended perpetrating his crime, and nearly on the spot where the butchery of the late Lord Kilwarden took place.

THOMAS MAXWELL ROCHE, an old man about sixty years of age, and by trade a slater, was the next brought to trial, September 1. The evidence afforded nothing new, or materially differing from that adduced on the trial of Kearney; like him, Roche was found in arms in Thomas-street, by Lieutenant Brady, and the party of the 21st regiment under his command. He suffered also in Thomas-street.

OWEN KIRWAN, an old clothesman, was the third person indicted. *Benjamin Adams*, a silk-weaver, in Plunket-street, swore, that he knew the prisoner for ten or twelve years, who lived nearly opposite to him; he recollected the night of the 23d; saw the prisoner leaning over his door; also saw him go up repeatedly

from his house to Thomas-street with a green bag filled with something; saw him between eight and nine o'clock going into his house, he was then at the window on the third floor; beheld a rocket in the air go across the street over the prisoner's house; prisoner then said, "There is the rocket, my boys!" he then turned into his shop, put on a green coat, and went out; his wife followed him, and made him come back, and put on a cotton jacket. Prisoner put a pike on his shoulder, and said, "God's blood, boys! the town is our own to-night." He then said, "Any man that does not turn out to night, will surely be put to death to-morrow." The prisoner then and his party ran up Plunket-street, and turned into Thomas-street. The party were all armed with pikes, and the prisoner at the bar also had a pike; in about half an hour afterwards, the witness saw a parcel of armed men pass down Plunket-street, towards Patrick-street; in about a quarter of an hour after, sixty or seventy persons came down Plunket-street; some of them stopped at the prisoner's door, and some lower down; they got beer. Kirwan's wife had something prepared for them. In about half an hour he heard a firing from the Coombe.

The prisoner called several persons, who gave him the character of a sober, industrious man, and one who they never heard was concerned in any rebellious affair. The jury, however, found him guilty. The next day (Friday September 2,) he was brought up to receive sentence of death, which was pronounced with peculiar solemnity by Baron George. This culprit was executed September 8, also in Thomas-street.

EDWARD BYRNE, who had been bred up to the baking business, which he had successfully carried on for some years in the neighbourhood of Naas, in the county of Kildare, was, September 2, found guilty on charges of high treason, and the next day received sentence of death from Baron Daly. On the 5th (two days after,) he was executed opposite the King's Stores, in Townsend-street, where a temporary gallows was erected for the purpose.

On the 6th of September, FELIX ROURKE, a rebel officer, was also convicted of high treason. This man

was a colonel in the rebellion of 1798; previous to which he was serjeant to the Coolock yeomanry corps, and joined in a conspiracy to murder Captain Ormsby, and some other officers of the corps: a man of the name of Clinch was executed for his crime. Rourke afterwards turned strolling player, but failing in that pursuit, he again turned his thoughts to real scenes of human bloodshed, in which he acted a principal part. He, with JOHN KILLIN, and JOHN M'CANN (two other convicted rebels,) was brought up on the 9th, and received sentence of death. On this occasion, Baron George addressed the prisoners in a most feeling manner, but particularly Felix Rourke, to whom he represented the aggravation which his crime received from the part which he took in the insurrection; not only committing treason himself, but seducing others to a similar crime. Before sentence was passed, Rourke addressed the court in language calculated to convey an impression that he was superior to the vulgar herd: he, however, negatively admitted that he was a leader of rebellion on the evening of the 23d of July, but solemnly protested that he was never concerned in the *spilling of blood*.

Rourke, on his leaving gaol on Saturday, September 10, for execution, endeavoured to affect fortitude; but, notwithstanding his assumed boldness, and his protestations of innocence, he met his fate with the most abject cowardice; and, at the gallows, confessed the justice of his sentence, and recanted his bravado assertions of innocence. He was executed in Rathcoole, in the neighbourhood of which he lived: this town, at the time of his execution, seemed to have been deserted by its inhabitants, there being not one in coloured clothes to be seen. The following Monday, Killin and M'Cann were executed in Thomas-street: they conducted themselves with apparent penitence, and acknowledged the justness of their conviction, and of their punishment.

ROBERT EMMETT, the chief of this insurrection, was of a most respectable Irish family. About the year 1798, his brother had been in custody for the like offence; but was pardoned on becoming an exile for life. These gentlemen had an excellent education,

and were both renowned for eloquence. Robert was tried and convicted in Dublin, before Lord Norbury and a respectable jury, Monday, September 19, 1803. After the evidence, their provisional proclamation was read, to show the object of the insurrection, and the resolution proscribing the yeomanry and other loyal subjects. The prisoner desired that a part of it should also be read, by which it decreed, that no man should suffer death by court-martial, but for mutiny, until the pleasure of the provisional government should be known: it was read accordingly. The proclamation addressed to the citizens of Dublin was also read. The prisoner's counsel accounted for the intimate knowledge he had of the provisional proclamation, by saying that it had appeared in other publications. The following papers were then read:—

No. 1. (found in his lodgings by Major Sirr,) was nearly as follows:—“ It may seem strange for a person avowing himself to be an enemy of the present government, and engaged in a conspiracy for its overthrow, should undertake to suggest an opinion on its conduct, or expect that advice from such a quarter should be received with attention. The writer of this, however, does not mean to offer an opinion upon a point in which he feels difficulty ---on which his candour might be doubted; his intention is to confine himself to points on which he feels with the merciful, and as an Irishman with the English part of the present government: he will communicate in the most precise terms the line of conduct which he may be hereafter compelled to adopt, and which, however painful, would be doubly so if he did not try to avoid it by the most explicit notification. It is not the intention of the undersigned to do more than state what the government must acknowledge, that of the conspiracy it knows nothing; and instead of creating terror in its enemies, and confidence in its friends, it will serve by the scantiness of its information to furnish new grounds of conviction to those who are too ready to accuse it for the want of that intelligence which no sagacity could enable it to obtain. If, then, it is unable, by a display of discoveries, to evince its strength and vigilance, it cannot hope to crush the conspiracy by the weight of its power. It is only now that men have to learn that entering into a conspiracy exposes them to be hanged?— Can it hope to injure the body of the conspiracy, so impenetrably woven as the present, by merely cutting off a few of the threads?—No system can change the conduct which the U. I. will adopt for effecting the emancipation of their country.”

No. 2. (found on the prisoner's person)--“ I wish particularly to know how matters stand, if you are not afraid. What hopes there are from abroad, and what they mean to do; and whether if they pay us a visit, we shall not be worse off than we are?-----

He is very desponding, and says the people are incapable of redress, and unworthy of liberty; that he is confirmed in this by the late transaction, which must have succeeded but for their barbarous desertion and want of unanimity. He thinks that the invasion will not take place at all, but it is the plan to wear down the English by the expense of frequent preparation."

No. 3. (found in the desk in Thomas Street)--"I have but little time to look at the thousand difficulties between me and the completion of my wishes; that they would succeed I have ardent and, I trust, rational hopes; but if that should not be the case, I thank God for having gifted me with the sanguine disposition; so that I run from reflection; and if my hopes are without foundation ---if a precipice be opening under my feet, from which duty will not suffer me to depart, I am thankful for that disposition which leads me on to it, and hurls me down, while my eyes are raised to the visions of happiness which my fancy has formed in the air."

No. 4, is the manuscript of the proclamation of the Provisional Government, found in the desk in Thomas Street, addressed to the citizens of Dublin.

"CITIZENS OF DUBLIN,—

"A band of patriots, mindful of their oath, and faithful to their engagement, as United Irishmen, have determined to give freedom to their country, and a period to the long career of English oppression.

"In this endeavour, they are now successfully engaged, and their efforts are seconded by complete and universal co-operation from the country; every part of which, from the extremity of the north, to that of the south, pours forth its warriors in support of our hallowed cause. Citizens of Dublin, we require your aid: necessary secrecy has prevented to many of you, notice of our plan: but the erection of our national standard, the sacred, though long degraded green, will be found a sufficient call to arms, and rally round it every man in whose breast exists a spark of patriotism, or sense of duty; avail yourselves of your local advantages; in a city each street becomes a defile, and each house a battery;—impede the march of your oppressors, charge them with the arms of the brave—the pike, and from your windows, and roofs, hurl stones, bricks, bottles, and all other convenient implements, on the heads of the satellites of your tyrant, the mercenary, the sanguinary soldiery of England.

"Orangemen! add not to the catalogue of your follies and crimes, already have you been duped to the ruin of your country, in the legislative union with its tyrant;—attempt not an opposition, which will carry with it, your inevitable destruction; return from the paths of delusion; return to the arms of your countrymen, who will receive and hail your repentance.

"Countrymen of all descriptions, let us act with union and concert; all sects, catholic, protestant, presbyterian, are equally and indiscriminately embraced in the benevolence of our object; repress, prevent, and discourage excesses, pillage, and intoxication; let each man do his duty, and remember, that during public

agitation, inaction becomes a crime; be no other competition known than that of doing good; remember against whom you fight, your oppressors for six hundred years; remember their massacres, their tortures, remember your murdered friends—your burned houses—your violated females—keep in mind your country, to whom we are now giving her high rank among nations, and in the honest terror of feeling, let us all exclaim, that as in the hour of trial we serve this country, so may God serve us, in that which will be last of all."

When this unfortunate young man was called upon to know if he had any thing to say why sentence of death should not be passed upon him, he addressed the court nearly in the following terms:—

"I am asked, if I have any thing to say why sentence of death should not be pronounced upon me? Was I to suffer only death, after being adjudged guilty, I should bow in silence; but a man in my situation has not only to combat with the difficulties of fortune, but also the difficulties of prejudice; the sentence of the law, which delivers over his body to the executioner, consigns his character to obloquy. The man dies, but his memory lives; and that mine may not forfeit all claim to the respect of my countrymen, I use this occasion to vindicate myself from some of the charges advanced against me. I am charged with being an emissary of France:—'Tis false! I am no emissary—I did not wish to deliver up my country to a foreign power, and least of all to France. No! never did I entertain the idea of establishing French power in Ireland—God forbid! On the contrary, it is evident from the introductory paragraph of the address of the Provisional Government, that every hazard attending an independent effort was deemed preferable to the more fatal risk of introducing a French army into the country.

"Small would be our claims to patriotism and to sense, and palpable our affectation of the love of liberty, if we were to encourage the profanation of our shores by a people who are slaves themselves, and the unprincipled and abandoned instruments of imposing slavery on others. If such an inference be drawn from any part of the proclamation of the Provisional Government, it calumniates their views, and is not warranted by the fact. How could they speak of freedom to their countrymen? How assume such an exalted motive, and meditate the introduction of a power, which has been the enemy of freedom in every part of the globe? Reviewing the conduct of France to other countries, could we expect better towards us? No! Let not, then, any man attaint my memory, by believing that I could have hoped freedom through the aid of France, and betrayed the sacred cause of liberty by committing it to the power of her most determined foe: had I done so, I had not deserved to live; and dying with such a weight upon my character, I had merited the honest execration of that country which gave me birth, and to which I would have given freedom. Had I been in Switzerland, I would have fought against the French—in the dignity of freedom, I would have expired on the threshold of that

country, and they should have entered it only by passing over my lifeless corpse. Is it, then, to be supposed, that I would be slow to make the same sacrifice to my native land? Am I, who lived but to be of service to my country, and who would subject myself to the bondage of the grave to give her independence—am I to be loaded with the foul and grievous calumny of being an emissary of France? My lords, it may be part of the system of angry justice to bow a man's mind by humiliation to meet the ignominy of the scaffold; but worse to me than the scaffold's shame, or the scaffold's terrors, would be the imputation of having been the agent of French despotism and ambition; and while I have breath I will call upon my countrymen not to believe me guilty of so foul a crime, against their liberties and their happiness.

Though you, my lord, sit there a judge, and I stand here a culprit, yet you are but a man, and I am another: I have a right, therefore, to vindicate my character and motives from the aspersions of calumny; and as a man, to whom fame is dearer than life, I will make the last use of that life in rescuing my name and my memory from the afflicting imputation of having been an emissary of France, or seeking her interference in the internal regulation of our affairs. Did I live to see a French army approach this country, I would meet it on the shore with a torch in one hand and a sword in the other—I would receive them with all the destruction of war! I would animate my countrymen to immolate them in their very boats; and before our native soil should be polluted by a foreign foe, if they succeeded in landing, I would burn every blade of grass before them, raze every house, contend to the last for every inch of ground, and the last spot on which the hope of freedom should desert me, that spot I would make my grave! What I cannot do, I leave a legacy to my country, because I feel conscious that my death were unprofitable, and all hope of liberty extinct, the moment a French army obtained a footing in this land."—After some further matter, he concluded thus:—"My lamp of life is nearly expired—my race is finished: the grave opens to receive me, and I sink in its bosom. All I request then, at parting from the world, is the charity of its silence. Let no man write my epitaph; for as no man who knows my motives dare vindicate them, let not prejudice or ignorance asperse them; let them and me repose in obscurity and peace, and my tomb remain undescribed, till other times and other men can do more justice to my character."

Lord Norbury, after a salutary remonstrance to the prisoner, and paying a handsome compliment to some of the respectable members of the family to which he belonged, pronounced the awful sentence of the law in cases of high treason.

Mr. Emmett, after his trial, was taken to Newgate, where dinner had been prepared for him. He there requested to see one of the gentlemen who were engaged in his defence. To him, he made a full disclosure of all the means he had used to effect the late

insurrection, and authorised him to make it known to government. He declared himself the chief mover and instigator of that attempt to effect a revolution, and solemnly denied having any associates in this country of either property or respectability. He accounted for the expenses incurred in preparations for rebellion, by stating that he had received, on the death of his father, 3500*l.* and that he had expended of that sum 2500*l.* in purchasing the arms found in the depot in Marshalsea-lane. He also denied having solicited or received any assistance from the French government, and protested, were this country invaded by Frenchmen, from his information of their principles and conduct wherever they went, that he would be one of the most zealous in their expulsion. At the place of execution (Thomas-street, September 20, 1803,) he expressed the same sentiments.

HENRY HAWLEY, who seemed to have somewhat of a better education than any of the rest (except Emmett,) was a native of Roscrea, in the county of Tipperary, and had been so active in the rebellion of 1798, that he was wounded in an attempt to plunder a house, in that neighbourhood, of arms. When John Hanson, the keeper of the tower in the castle, went to arrest him, he immediately fired at and shot him : for this crime he was not indicted, but for that of High Treason, September 27. The fact of his having been employed in the manufacture of pikes, was proved by evidence similar to that produced on former trials ; and no attempt being made to rebut the charge, the jury, without going out of the box, pronounced the verdict of *Guilty*.

After a solemn appeal to the prisoner on the enormity of his offence, Baron George pronounced sentence of death on him.

This wretched man was executed September 29, 1803, according to his sentence, at the front of the New Prison. He confessed that he had, with his own hand, murdered Colonel Browne of the 21st regiment, on the night of the rebellion. He appeared fully sensible of the enormity of his crimes, as well as that of the murder of Hanson, and exhibited an appearance of the deepest remorse.

On the 1st of October, JOHN M'INTOSH was tried before the special commission, on the same charges of high treason with those whose trials preceded him. It appeared that the prisoner, a carpenter by trade, had rented the house, No. 26, in Patrick-street, where the explosion of gunpowder took place on the Saturday previous to the insurrection. On this occasion he would not accept of the assistance of his neighbours, but locked up the place, telling a man living next door to him, who was more particular in his enquiries, that the explosion was in consequence of an experiment tried by silk-dyers. Mr. *Wilson*, a chief peace-officer, went to the house the following evening, and ascertained the explosion to have been that of gun-powder; a parcel of which he found in an unfinished state, and some saltpetre. He also found in a chest about fifty fresh-cast musket-balls; and in the house were about 200 pike-handles, shorter than those with which he had afterwards become more familiar; but, in an adjoining house, he found a parcel of bayonets, with the sockets filled with wood, and as if they had been sawed off the handles which were in the first house. It appeared that, after the explosion in Patrick-street, the prisoner went immediately to the depot in Mass-lane, where he continued, until the 23d of July, preparing for the insurrection which broke out on that evening.

When the insurrection took place, he was actively engaged in it: he was one of those who fired at the trooper who was killed: he was also among those assassins who stopped Lord Kilwarden's carriage; and stood by while that lamented nobleman and his nephew were piked to death. It did not appear, however, that he inflicted any of the wounds, which were all given with pikes, he having been armed with pistols and a blunderbuss. After the defeat of the insurrection he fled; and as he was passing through Arklow, in the county of Wicklow, he was arrested by Mr. Coates, a magistrate, to whom he said that his name was Magrath; that he was a mill-wright by trade, was going to Waterford, had been working at Mr. Jones's, in the county of Wicklow, and had not been in Dublin for three weeks previous to the 23d

of July. Some persons were adduced to character; but the jury, without retiring, returned a verdict of *Guilty*.

This culprit suffered the sentence of the law, October 3, 1803, in Patrick-street, opposite to the house where he had been manufacturing the powder for rebellion.

On the day of M'Intosh's execution, THOMAS KERNAN was tried on the same charges of high treason. It was proved that he was an associate of M'Intosh, and was arrested along with him in the town of Arklow, whither he had fled after the 23d of July. Like M'Intosh, he assumed a feigned name and occupation, when questioned by Mr. Coates, the magistrate; and also said that he had been at work some time before the 23d, and on that day, for a Mr. Jones, of Kilnecarry, in the county of Wicklow. It was proved by two witnesses, Fleming and Finerty, that he had been in the rebel depot, in Mass-lane, in the course of the week previous to the insurrection, at work as a carpenter, making pike-handles, &c.; and Fleming swore positively that he was one of those who piked Lord Kilwarden. The jury, after five minutes conference, returned a verdict—*Guilty*. Sentence of death was immediately pronounced. The prisoner did not deny his having been engaged in the conspiracy, but positively denied having been one of the murderers of Lord Kilwarden. He was executed on the 4th of October, 1803, in Thomas-street.

DENNIS LAMBERT REDMOND, a principal person in this insurrection, was tried for high treason October 5th. His trial was intended for September 3d, on which morning, just before he was sent for, the prisoner shot himself with a small pocket-pistol, which he had for some time about his person, concealed in his pantaloons. The city-surgeon immediately examined his wound, and reported it not dangerous. Previous to this, he had offered to give information to government of all persons concerned in the late horrid insurrection, together with their plans and connexions. This proposal, after having been well weighed, was rejected: the charges against the prisoner, who was not one of the deluded mob, being of such

a nature as to make him, if found guilty, a peculiarly fit subject for an example. The double shame of guilt and treachery hastened the commission of this rash act, which drew a veil between him and the publication of his crimes.

Instead of accelerating his death as he intended, he only procrastinated it by having thus postponed his trial and execution. *Pat M'Cabe*, the accomplice, was the principal witness, who proved the conspiracy to levy war, on the 23d July, in company with Allen, who was tried along with Arthur O'Connor, at Maidstone, and acquitted. It was also proved that he had employed carpenters in his house to make pike-handles; and that numbers of those weapons, bayonets, &c. were found concealed in his house, in the Coal Quay, particularly pikes under a part of the flooring, and more in three cases, formed to resemble beams of timber. After the 23d July, the prisoner fled in a vessel, the *Tarleton*, James Murphy, master, bound to Chester, but was put into Carlingford by a storm, in which the vessel was like to have been lost: there he was taken, and transmitted to this city; and, on his examination, gave a false account of some circumstances, and which falsehoods were strongly corroborative of his guilt. The jury, in about five minutes, returned a verdict of *Guilty*.

Being asked why judgment should not be pronounced against him, he addressed the court with tremor, and under such strong agitation as frequently deprived him of speech for minutes. In his address, he alleged "that the conduct proved against him by M'Cabe had been exaggerated, though in part true; that in his conversation with Mr. Read, in Drogheda, Mr. Read gave the king's health, which he drank, and then gave General Bonaparte; that on Mr. Read's speaking hardly of Bonaparte, he used his best arguments to support the character of the then Chief Consul, alleging that he had a right so to do, as respectable persons in London had been prosecuted for speaking against him. [Here he was stopped by agitation.] He then, after a pause of some minutes, went on—"I will now, that the halter is about my neck, and the axe ready to sever my head from my

body, confess that I held an official situation under the Provisional Government ; and that the great object of my heart was to promote the views of that government—[Here again he stopped]—and every act which I have done in forwarding that government, I should be ——” [Here his voice utterly failed]—and after a long pause—

Baron George, after the most impressive lecture on the fatal consequences of treason, pronounced the terrible sentence of the law.

This unfortunate man was about twenty-five years of age, in his person tall and athletic, and rather a handsome countenance. He was executed on the 6th October, 1803, in the Coal Quay, opposite his own door.

RUSSEL, (the only leader of note after Emmett,) who, under the title of *general* of the Northern District, under the Provisional Government, issued a proclamation to that district on the 23d of July. He had served both in the East and West Indies, and in the latter with great credit in the same regiment with General Knox, with whom he went to Ireland, and was appointed a magistrate of the county of Tyrone, and he lived for some time at Dungannon ; but in consequence of a difference with the Northland family, entirely arising from politics, he removed to Belfast, where he resided until the year 1792, when he was arrested, with Samuel Nelson and others, and conveyed to Newgate, Dublin. He remained a prisoner until 1798, when he was sent, with Arthur O'Connor and others, to Fort St. George, in Scotland. At the conclusion of the last peace he was, with the other prisoners, liberated, and he proceeded to France. He lived in Paris during the peace. Immediately subsequent to the declaration of war, he returned to Ireland. One thousand pounds were offered by proclamation for his apprehension. And when taken, after he had acknowledged his real name, he avowed his purpose in coming to the country, and spoke in the boldest language of the “glorious cause” in which he was engaged.—“It is that,” said he, “for which I would meet death with pleasure, either in the field or on the scaffold.”

His trial came on October 19, 1803, before a special commission at Downpatrick, Ireland : it occupied the attention of the court from ten in the morning, till past eight in the evening. Having been asked if he had any thing to say why sentence of death should not be passed upon him, he addressed the court in an eloquent and energetic, though rather a somewhat unconnected speech, of about twenty minutes ; in which he took a view of the principal transactions of his life for the last thirteen years ; and on a retrospective view of which, he said, he looked back with triumph and satisfaction. He endeavoured to vindicate his conduct from the criminality attached to it, by asserting that in all he had done, he had acted from the conviction of his conscience ; and anxiously requested that the court would make him not only the first, but the only life which should be taken on the present occasion ; mercifully sparing to their families and friends the lives of those men whom it was asserted he had led astray.

He then retired in the custody of the sheriff. Was executed October the 21st, (Friday,) and suffered with fortitude. He was very liberally educated ; and, in some pamphlets written by him upon the state of Ireland previous to 1798, he manifested considerable talent and information. He was about six feet high, of a very noble mien, a remarkably well-proportioned stature, and a very marked countenance.

FRANCIS SMITH,

FOR MURDER, January 3, 1804.

ABOUT the beginning of January, 1804, the vicinity of Hammersmith was greatly alarmed by the nocturnal visits of a supposed ghost. Whoever he was that personated the spectre and thus terrified the credulous, was the cause of much serious mischief. One poor woman, who was far advanced in her pregnancy, was so much shocked, that she took to her bed and survived only two days. She had been crossing near the church-yard, about ten o'clock at night, when she beheld something, as she described rise from

the tomb-stones. The figure was very tall, and very white! She attempted to run, but the ghost soon overtook her, and pressing her in his arms, she fainted. The ghost had so much alarmed a waggoner belonging to Mr. Russell, driving a team of eight horses, that the driver left the waggon and horses precipitately. Neither man, woman, nor child, could pass that way for some time; and the report was, that it was the apparition of a man who cut his throat in that neighbourhood above a year before. Several lay in wait on different nights for the ghost; but there are so many lanes and bye-ways about Hammersmith that he was always sure of being on that which was unguarded, and every night he played off his tricks to the terror of the passengers.

Francis Smith, incensed at the unknown person who was in the habit of assuming this supernatural character, and thus frightening the superstitious inhabitants, determined on watching for, and shooting the ghost; when unfortunately he shot a poor innocent man, Thomas Millwood, a bricklayer, who wore a white dress, the usual habiliment of his occupation. This act having been judged wilful murder by the coroner's inquest, Smith was committed to gaol, and took his trial at the ensuing sessions at the Old Bailey, on January 13th.

Mr. *Lock*, wine-merchant, living in Hammersmith, stated, that on January 3, about half past ten in the evening, he met the prisoner, who told him he had shot a man, whom he believed to be the pretended ghost of Hammersmith. A rumour of a ghost had prevailed for a considerable time. He went with the prisoner, in company with Stowe and a watchman, up Lime-kiln Lane, to Black Lion Lane, where the deceased was lying apparently dead. The witness and Mr. Stowe consulted together upon what was proper to be done, and they directly sent for the high-constable. The body had no appearance of life; there was a shot in the left jaw. The prisoner appeared much agitated. The witness told him the consequences likely to be the result of his conduct. The prisoner replied that he fired and did not know the person whom he had shot; he also said, that before he fired

he spoke twice to the deceased, but received no answer.

William Girdler, the watchman, in Hammersmith, after stating that he went to the spot with Mr. Locke, described the posture in which the deceased was found. He was lying on his back stretched out, and quite dead. His left jaw was broken by a shot. The prisoner came to the witness and said he had hurt a man, and believed very badly. Previous to this, the prisoner told him he was going to look after the ghost. The witness replied that he would join him after crying the hour, and that they would search the lanes together. They agreed on a watch-word; "Who comes there?—A friend—advance, friend." The witness went his rounds, and just before he got to Black Lion Lane, he heard the report of a gun. He took no notice of that circumstance, as he frequently heard firing in the night. He did not see a gun lying by the deceased. The prisoner offered to deliver himself up.

Anne Millward, sister to the deceased, was next called. The lord chief baron lamented that any questions relative to this melancholy affair should be put to her, but for the ends of justice they were rendered indispensably necessary. She stated that she lived with her father and mother; between ten and eleven in the evening, of the third of January, her brother called, he had been to inquire for his wife, who was at Mr. Smith's, the out-rider. The witness and her mother were going to bed, and her mother asked the deceased, whether his wife had come home? he replied, she had not. She then desired him to sit down and wait for her half an hour. He sat till the witness heard the watch go eleven. She then desired him to go home; and he got up and went away, wishing the witness a good night. He shut the door behind him, and the witness directly went and opened it, stepped out, and stood on some bricks, looking after him. At that instant she heard a voice exclaim "Who are you, and what are you; I'll shoot you if you don't speak?" This address was directly followed by the discharge of a gun. The witness, exceedingly alarmed for her brother's safety, called out, Thomas, three or four times. The witness then went into the house,

but she could not persuade either her father, mother, or a gentleman who lodged with them, that any accident had befallen her brother. She went out alone, and found him quite dead. She ran for assistance to a neighbour's house, and in returning from it, she saw the prisoner, Mr. Lock, Mr. Stowe, and the watchman. Her brother was in his usual working dress, as described by the first witness in his cross-examination. The witness added, that she had heard great talk of a ghost stalking up and down the neighbourhood, all in white, with *horns* and *glass eyes*, but she did not know that any body had ever watched in order to detect the impostor.

The prisoner being called on for his defence, said he would leave it to his counsel; but, being told that they could not speak in his behalf, being only allowed to examine his witnesses, he stated, that he went out with no bad design or intention; and that when the unfortunate accident happened, he knew not what he did. He solemnly declared his innocence, and that he had no intention or idea of taking away the life of any one.

The prisoner's counsel then called *Mrs. Fullbrook*, mother-in-law to the deceased; she said, that on the Saturday evening before his death, he told her that two ladies and a gentleman had taken fright at him, as he was coming down the Terrace, thinking he was a ghost. He said to them he was no more a ghost than any of them, and asked the gentleman if he wished for a punch on the head. The witness advised the deceased in future to put on a great coat, in order that he might not encounter any danger.

Thomas Groom was called, as it would appear, to prove that some supernatural being actually visited the town of Hammersmith. He said he was servant to Mr. Burgess, a brewer, and that he and a fellow servant were going through the church-yard one night, when something, which he did not see, caught him by the throat.

The jury retired for upwards of an hour, and returned with a verdict—*Guilty of Manslaughter*.

On hearing this verdict, it was stated by the bench, that such a judgment could not be received in this case; for it ought either to be a verdict of *Murder*, or of

Acquittal. If the jury believed the facts, there was no extenuation that could be admitted; for supposing that the unfortunate man was the individual really meant, and had been shot, the prisoner would have been guilty of murder. Even with respect to civil processes; if an officer of justice uses a deadly weapon, it is *murder* if he occasions death by it, even although he had a right to apprehend.

The jury then turned round, and, after a short consultation, returned their verdict,—*Guilty.*

The lord chief baron having told the jury, after they had given their verdict, that he would immediately report the case to his majesty, was so speedy, that a *respite during pleasure* arrived at the Old Bailey before seven o'clock, and on the 25th he received a pardon, on condition of being imprisoned *one year*.

LAUDEN GORDON AND THE REV. L. GORDON,
FOR FORCIBLY CARRYING AWAY MRS. LEE,
on the 15th January, 1804.

THE grand jury, after sitting several hours, examining sixteen witnesses, returned a true bill, against Lockhart and Lauden Gordon.

Mr. Mills, counsel for the prosecution, said, he would advert to some particulars of Mrs. Lee's history, which would be necessary to elucidate what follows: she was the natural daughter of lord le Despencer, and was born in the year 1774. Lord le Despencer died in 1781, leaving Mrs. Lee, a child about seven years of age. He also left a son by the same mother, and shared between them property to the amount of 70,000*l.* Mrs. Lee being left at that tender age, was put under the care of trustees, and became a ward of chancery. Her guardians put her to school with Mrs. Gordon, the mother of the prisoners, who kept a school at Kensington. Here she first became acquainted with the prisoners, when they were at home for the holidays. In 1794, before she was of age, she was induced to go off with Mr. Lee to Scotland, and was married to him at Haddington. This having been done without the consent of the guardians, when they came to London, Mr. Lee was arrested by order

of the chancellor, and confined in the King's Bench, till such time as the court of chancery could arrange the disposition of her property. Early in the year 1796, the business came to a settlement, and the chancellor's court decreed that half her property should be settled upon her, to be disposed of as she pleased by will. This property amounted to the annual sum of 1200*l*. Some disagreeable circumstances arising, which it will not be necessary to mention, she was separated from her husband the latter end of the same year, after they had lived together only a few months. It was fortunate for Mrs. Lee that she was in a situation of life capable of supporting herself; and in consequence of this, she took a house in Bolton Row, Piccadilly, and kept up an establishment of her own. To this place we trace her down to the latter end of the year 1803. From the time she left Kensington till this year, she had not seen or heard of the prisoners. Lauden Gordon had been many years in the West Indies, and did not arrive in London till September last; when he went to lodge with his brother Lockhart, who had lived in Alsop's Buildings, New Road, about three years. It was in the latter end of December that her acquaintance was renewed with Lauden Gordon, by means of Mr. Blackett, an apothecary, who had attended her for some years. She had not seen Lockhart during the whole three years he resided in London. Mrs. Lee was of a very retired disposition, engaged in little pleasure, and received very little company. She was of a studious habit, and spent much of her time in reading and writing; her seclusion from society arose from a natural habit, which many people term a nervous disposition, to which she was inclined. From the end of December, to the 12th of January, Lauden might have called three or four times, but did not see her every time. During this interval several letters passed, in which she desired him to desist from all ideas of any thing more than a common friendship. On the 12th of January, Lauden called on Mrs. Lee in the morning, and at that time she told him to bring his brother Lockhart the next time he came; and Sunday being fixed upon, it was settled they should come on

that day. In the course of the evening of the 12th, Lauden Gordon called again, and left a letter written by himself, and also one from his brother Lockhart, in a separate cover. These letters were afterwards read in court; she identified the writing of Lauden, but could not swear to that of Lockhart's, as she had never seen his writing before. In Lauden's letter he declares his passion in very strong terms, and Lockhart engages to support him with all his interest, and even with his own life. Sunday, the 15th of January, the day appointed, being come, they went to dine with her at the time appointed, about five o'clock, and were ushered into the drawing-room. On her examination, it appeared that their conversation before dinner, which was but a short interval, related to the subject of the letter alluded to; in which she took occasion to point out to them the barrier that laid in the way of the accomplishment of their wishes; shewed them the imprudence of urging it any further; and begged that the conversation might be diverted from that subject. They then went to dinner, when the conversation was on general subjects. The cloth was withdrawn at six o'clock. At seven, Lockhart pulled out his watch, and said, It is time the chaise was come: I wonder whether it is arrived? Upon this Mrs. Lee expressed her surprise, and asked, what chaise? The events that followed will be detailed in evidence of the several witnesses who were called to support the prosecution.

Elizabeth Westcraft lived in Alsop's Buildings, and was mistress of the house where Lockhart had lodged for three years. She knew him in the character of a clergyman, but had never heard him officiate. Since Lauden had lived there, which was about two months, he had been very much in debt, and desired her to deny him to every body that came on any day except Sunday. She, herself, in conjunction with Lockhart, had once bailed him for 10*l*. She said, that on Sunday the 15th of January, they ordered her to get a post-chaise in readiness, and drive to the end of Bolton Street, at seven o'clock precisely. She accordingly sent the chaise at the hour appointed.

Mary Davidson was next called. She was servant to Mrs. Lee, and had been in the habit of waiting upon her for seven years. She had lived in the family of Mrs. Lee's father, for twelve years, but at that time was not acquainted with Mrs. Lee. She corroborated the most material facts of the Gordons coming to dine

with her mistress on the 15th of January, and their subsequent conduct. She perceived her mistress to be agitated, when she slipped out of the room, and said, she was afraid they were going to take her away; when the witness replied, They cannot take you out of your own house. She saw them force her mistress down stairs, and ran to her assistance, when Lockhart presented a pistol to her, and threatened to blow her brains out, if she did not remain quiet. She followed them out into the street, crying, Murder! thieves! fire! they are taking away my mistress! when she saw them drive away as quick as possible.

William Martin, Mrs. Lee's footman, had lived with her fifteen months. He let the prisoners in on Sunday, the 15th of January, about five o'clock; waited at table during dinner-time, and withdrew the cloth about six o'clock. At seven o'clock Lockhart sent him for a hackney-coach. In the meantime they conveyed Mrs. Lee out of the house; and on his return, finding what had happened, he pursued the chaise, but without effect, as it soon got out of sight. He was cross-examined, as to how many times *Lauden Gordon* had called on Mrs. Lee, and the length of time he stopped each time, which he, as well as the other servants, agreed was never more than two hours. He could not say how often he had called there; but remembered his mistress being out once when Lockhart called and left his card, "The Rev. Lockhart Gordon." His mistress had given him general orders to deny her to every body that might come, except a few persons. One day when *Lauden* called, he denied his mistress to him, but she being on the stair-case, and hearing who it was, ran down and desired he would walk up.

The two post-boys were called next. The first proved his being sent to Bolton Row, where he stopped at the end of the street; that he there took up a lady and two gentlemen, who desired him to drive fast, and threatened to shoot him if he did not make haste. When he arrived at Uxbridge they got into another chaise, and Lockhart Gordon gave him half a guinea. The counsel asking him if he was not uncommonly well paid, he confessed he seldom received so much. On cross-examination, Mr. Abbott asked him, whether any force was used towards the lady, and if he observed any thing more than commonly happens when a gentleman and lady get into a chaise? To this he replied, that there was no force used whatever; that the lady laughed when she got into the chaise; and that he observed nothing out of the common way. The same question was put to the post-boy who drove them from Uxbridge to Tetsworth, and the same answer was returned.

Mrs. Lee was then called, and a chair being placed for her, her examination commenced, and lasted for the space of three hours. The principal part of the evidence went to corroborate the facts stated in Mr. Mills's address to the jury. She very strongly denied her acquiescence in being taken away, and said she had frequently advised them to desist; that when they got to Uxbridge, she asked for a post-chaise to take her back, but they said it was impossible. She said, that in various parts of the transaction she was so much agitated as not to know what was going forward. When questioned:

as to the time and circumstances attending the different visits of the Gordons, and the letters that passed, she appeared to have frequently but a very vague recollection on the subject.

Mrs. Lee was then cross-examined by Mr. Abbott. She acknowledged that when she was at Kensington, and first became acquainted with the Gordons, that familiarity took place which is common among children. It appeared that when she heard that Lauden Gordon had returned from the West Indies, she sent the first invitation to him through the medium of Mr. Blackett, her apothecary. That when Lauden called on her at any time, she made him fix a time for coming again; which circumstance Mr. Abbott brought to her recollection, by reciting a particular occasion when he sent her a polite note, expressing his sorrow that he could not attend her appointment, being unavoidably engaged somewhere else. Mr. Abbott asked her whether they were not upon terms of familiarity from the time of his first visit; and whether it was not customary, when they parted, for him to give her a salute, either on the lip or on the cheek, after the French fashion? This she admitted, but denied any further familiarity.

* * * * *

Mr. Abbott then asked her, if, when she left her house, she had not a steel necklace about her neck, to which was suspended a bag with camphor in it? Answer: Yes. Whether it was not customary with some people to wear such a thing as an amulet, or charm, to stifle passions, more particularly the passion which one sex have for the other.

A. I said that it was my charm against pleasure; I had no occasion for it now; at that moment I gave myself up. I afterwards expostulated. I believe the word charm alludes to the medical properties of camphor; I wore it as a sedative; it is supposed to calm the passions, and quiet the nerves.

He then asked her if she did not remember throwing it out of the chaise window on some part of her journey, with such an expression as this: "I have no more need of this charm; I have given myself up; welcome pleasure."

* * * * *

This she fully admitted. Mr. Abbott then pressed her to say on what part of the road this circumstance took place; but she said she could not remember. He then asked her, if she did not recollect the second time Lauden called upon her, asking him why Lockhart did not call? saying, "I suppose he has heard the report that I am a sceptic, and as he is a clergyman, he don't like to come into my company; but you may assure him he need not be afraid, for if he comes, I shall avoid introducing the subject of religion." Mrs. Lee admitted this as a fact. Mr. Abbott then asked her, if she ever went to church? to which she replied, No: she had not been to a church for several years. I suppose, madam, (says he) you do not approve of the doctrines of our church; you do not give your assent to them? to which she replied, No. He then asked her, if she had not sceptical notions of religion? to which she frankly answered, that she had; that she did not approve of it, and that she had been sceptically disposed for several years.

Nothing that passed in the chaise implied assent: and notwithstanding I was in my senses at Tetsworth when we sat down to supper, if I had the perfect exercise of my judgment, and had my mind been free from apprehension, I should have been more inclined to have ordered a chaise, than to have gone to bed. Had my affection for Lauden Gordon been ever so violent, I should have wished, under such circumstances, not to have indulged them. A stranger at Tetsworth, I knew nobody; Lauden came to bed—was there all night: that which passes between man and wife then passed.---Cannot say I recollect the maid coming in the morning. I had no change of clothes---my mind is so confused I cannot speak to times, and say when Lockhart went away; but he went away in the morning. I afterwards saw Mrs. Edmonds. The ring was put on during the journey---I do not recollect rallying him; it occurred about a fortnight or three weeks ago; endeavouring to recollect what passed in the chaise--the ring must have been put on my finger in the chaise. I do not recollect saying, a compliance with the custom of the world would induce me to wear it. I recollect Lockhart's saying that he should return to a ball that night, that he might not be suspected of having any hand in this business--I positively assert that he said so. I did not learn what family was to be there. I saw the motive; because he would make it appear that I had gone with Lauden without his having had any hand in it. I knew before that he expected preferment; he said, I should consider his prospects.---I told him he had destroyed mine. I considered him as the author of all this. He alone had made use of violent expressions; he alone expressed a determination that I should leave my house---he had said to Lauden, "Don't stand here, but bring her out." Lauden appeared almost as subservient as myself.

In the course of the examination, the following facts came out as to the proceedings at Tetsworth:

Q. When you went up stairs, do you recollect a conversation with the maid? A. Nothing particular.

Q. Nothing! did you not tell the maid to send your husband up?

A. When I went up stairs, the chambermaid asked me how long it would be before I was in bed? or when the gentleman should come up? I replied, in twenty minutes.

Q. Was any force made use of to induce you to give this reply?

A. I was then under the impression that my life was in danger from Lockhart, and also of some serious scuffle at the inn, in which blood might be lost.

The learned judge observed, that it was impossible he could permit the trial to proceed further. The force had not been carried into the county of Oxford, and the prisoners must be acquitted. At the same time he could not help remarking, that their conduct was shameful in the extreme, particularly that of the prisoner, Lockhart Gordon, whose duty it was, he being a clergyman of the church of England, to instruct and

guide the weak; instead of which he had most unworthily contributed to seduce and betray a defenceless woman, and plunge her into vice and dissipation.

The prisoners were then led from the bar; Lockhart was discharged, but Lauden was detained on an action for debt.

RICHARD PATCH,

FOR MURDER, April 8th, 1805.

RICHARD PATCH was born in the year 1770, two miles from Exeter. On coming to London, he presented himself at Mr. Blight's, with whom his sister at that time lived as servant, together with a brother of his, in the service of Mr. Blight as overseer. Mr. Blight had formerly been a West India merchant, and had failed; upon which he engaged in the ship-breaking business, which he carried on with great success.

Rienard had not been long in the service of Mr. Blight, before he sold his paternal estate in Devonshire, and received a neat sum of 350l. Two hundred and fifty of this Mr. Blight received, and the remaining hundred passed through the hands of his bankers.

The next year, 1805, on the 23d September, Mr. Blight was mortally wounded by a pistol, which was secretly fired at him, and which occasioned his death the next day. The case was particularly inquired into by A. Graham, esq, the magistrate, who, suspecting Patch of the horrid murder of his friend and master, committed him to prison, and his trial came on at the Surrey assizes, continued, by adjournment to Horse-monger-lane, April 5, 1806.

Mr. Garrow, as leading counsel for the prosecution, noticed, and deplored, the long details which had been published on the subject, and begged the jury to dismiss them from their minds. He then said he should proceed to state the relative situation of the prisoner and deceased, and the nature of the premises where the transaction took place. From the account he should give of the premises, it would result, that it was absolutely impossible that the deceased could have met his death from any other hand. He should then

detail other circumstances, whence the same result must necessarily follow. Mr. Garrow proceeded to state, that Mr. Blight was a ship-breaker; that he had a sister of the prisoner for a servant, in the spring of 1803; that the prisoner visited his sister; expressed himself distressed, and entered into Mr. Blight's service for merely victuals and drink; afterwards he had a salary. Mr. Garrow then detailed the circumstances of Mr. Blight being embarrassed, and his having made a nominal transfer to the prisoner in 1803. In August Mr. Blight went to Margate; the prisoner conducted his business, and was to receive one third of the profits, for which he was to pay 1250l.—250l. he did pay, and for the remainder he gave a draft for 1000l. on one Goom. On the 16th September, he said that Goom could not take the draught up. A fresh one was given, which was to be due September 20th. On the 19th of September, Mr. Blight went to Margate; the prisoner was left at Deptford, and in the evening, sent the servant, Kitchener, for oysters. While she was absent, a gun was fired through the shutters; which gun, Mr. Garrow said, he meant to say was not fired by any enemy, but by the prisoner, with a view to the fatal catastrophe. From the nature of the premises, no person could escape from the gate, nor by water. On the next day the prisoner wrote to Blight, giving him an account of the transaction, and concluded by saying he should be glad to see him. Blight arrived in town on the 23d September; the prisoner did not say the 1000l. draft was not taken up, but led the deceased to believe the money was safe; he then went to London, with a strict charge from Mr. Blight to bring the money with him. On his return, they spent the evening together, and, (for the first time) in the back parlour, where the deceased was shot. At eight o'clock, the prisoner quitted the deceased, went to Kitchener, and asked for the key of the counting-house, stating himself to be ill. He went through the compting-house to the privy, and shut the door hard, Kitchener instantly, (as she says) saw the flash of the pistol, and Blight came into the kitchen wounded. She rushed out, and shut the street door. The difficulty here was, that she should have heard the privy door

shut, and see the pistol flash at the same moment. The prisoner came in immediately to Blight. Mr. Garrow then proceeded to state, that when the surgeon, Mr. Ashley Cooper, was called in, he asked the deceased whom he suspected? The answer was, Mr. Patch tells me he has reason to suspect one Webster. But Mr. Garrow said, he would prove that he was not the murderer, by shewing where he was at the time: he named another person of the name of Clarke, because he had had a quarrel with Blight, but this man also, would be proved to have been elsewhere. Mr. Garrow next proceeded to dwell upon the motives that could have induced the prisoner to commit the murder. He wished to possess part of the business, without paying the consideration money. In all his representations about the draft for 1000*l.* there was not one word of truth. What was his conduct subsequently to the fatal event? He told Mrs. Blight, the 1000*l.* was paid, and got the papers relative to the business from Mrs. Blight; he talked to the witness, Kitchener, as to what she should say. He was in the uniform practice of wearing boots; but he should prove, that when Blight was murdered, he had on shoes and stockings: the stockings were afterwards found in his sleeping room, plastered with mud, such as was on the wharf. The pistol he could not produce, but the ramrod was found in the privy.

The first witness called, was Mr. *Richard Frost*, a publican who kept the Dock and Duck. The first part of his testimony (for he was called in a second time) related merely to the death of Mr. Blight. He stated that on the 23d September, he was sent for by the prisoner, in consequence of the deceased having been killed by a pistol shot; he went, and found him leaning on his hands, and wounded. He also stated, that on Thursday, the 19th, there was the report of the firing of a gun at Mr. Blight's house; he went out to ascertain the cause, but did not perceive any person coming from the premises; and he was in a situation in which, had the person who fired it, attempted to make his escape, he must have observed him; it was about eight o'clock in the evening, and it was dark; but he was near enough to have seen any one run away, or climb the wall.

Mr. *Michael Wright* stated, that he was going past Mr. Blight's house a little after eight, when he heard the report of a pistol in the house; and having become acquainted, by the rumour, of the former attempt, he was induced to go up to the house, with a view to offer his assistance: he knocked for some time, and was not

admitted; but insisting on having the door opened, Mr. Patch made his appearance, and began informing him what a dreadful accident had happened. The witness was impatient at hearing this story, he thought that some measures should be adopted to pursue the murderer, and recommended Patch to commission him to apply to Bow Street; as an inquiry taking place instantly after the assassination would most probably be attended with success. Patch seemed reluctant, and thought that no good effect could result from it. The witness was rather indignant at his assistance not being accepted, and therefore went away.

Hester Kitchen's evidence applied to both days. She stated, that on the 19th, she had been ordered by the prisoner, to shut up the shutters of the house earlier than usual. Her master and mistress were then at Margate. At eight o'clock the prisoner sent her out for some oysters; and, as she returned, she heard the report of a gun; but through the court-yard, the only passage to the house, she did not see any one. When she saw Patch, he cried, Oh Hester, I have been shot at! She rejoined, Lord forbid! They then looked for the ball, which she found. The witness continued to state, that her master returned to town on the Monday morning; that in the evening, he and the prisoner drank tea together in the back parlour, and afterwards had some grog. Her master was fatigued, heavy, and sleepy with his journey and the liquor. Patch came down in a hurry to her in the kitchen, and, complaining of a pain in his bowels, wanted a light to go into the yard. She gave it to him, as also a key of the counting-house, through which it was necessary he should pass. She heard him enter the back place, and slam the door after him, and immediately she heard the report of a pistol. Her master ran down into the kitchen, exclaiming, Oh, Hester, I am a dead man! and supported himself upon the dresser. She ran up to shut the door, and as she was half-way down the passage on her return, she heard Patch knocking violently for admittance. He asked what was the matter? she told him; on which he went down and offered his assistance. He asked the deceased if he knew of any one who could owe him a grudge? Mr. Blight answered no, as he was not at enmity with any man in the world.

Mr. Christopher Morgan was passing by when the fatal shot was fired, he went to the house, and saw Mr. Blight lying in a wounded situation, and recommended Mr. Patch, in the first instance, to search the premises all over. Patch told him, and his friend Mr. Berry, who was with Mr. Morgan, to go and search an old ship that laid off the wharf, as he had reason to think that the perpetrator might have escaped there; for he heard a noise in that direction on the night when the gun was previously fired. They went, but found that the ship was lying at the distance of sixteen feet from the wharf; that it was low water; that from the top of the wharf to the mud, was ten feet; that the soil was soft mud, and that any one who might attempt that way must be up to his middle; besides, the mud did not bear the appearance of any one having passed through it: he was therefore perfectly convinced that no one escaped over the wharf towards the water. *Mr. Berry* corroborated this evidence.

Six other persons, who happened to be in different directions leading from Mr. Blight's house to the public roads, most distinctly proved, that when the shot was fired that killed Mr. Blight, that every thing was quiet on the outside of the premises ; that there was no appearance of any person attempting to escape ; and if there had, that there was no possibility of his eluding observation.

The next strong branch of evidence referred to the stockings which the prisoner had on the night that Mr. Blight lost his life. It was proved that he generally wore boots ; but the witnesses' memory enabled them to say, that he had white stockings on during the evening of the 23d. *Mr. Stafford*, of the Police office, stated, that on examining the bed-room of Mr. Patch, they were folded up like a clean pair ; but that on opening them, the soles appeared dirty, as if a person had walked in them without shoes : the inference from this was, that the prisoner had taken off his shoes, in order that he might walk out of the necessary without being heard by the maid.

The last important fact was, the discovery of the ramrod of a pistol in the privy, and the proof that that place had not recently been visited by any person suffering under a bowel complaint. This, and a vast variety of circumstantial evidence, concluded the case on the part of the crown. The Jury then retired for about a quarter of an hour, and, on their return, pronounced a verdict of *Guilty*.

His lordship then proceeded to pronounce the awful sentence of the law :—He observed, that the prisoner had begun his career of guilt in a system of fraud towards his friend ; he had continued it in ingratitude ; and terminated it in blood. He then directed that he should be executed on Monday, and that his body should be delivered for dissection.

While Jack Ketch was in the act of fastening the rope, the Rev. Mr. Mann attended Patch, and, for the last time, attempted to draw from him a confession, but with no success. The sheriff then went to him, and entreated him to confess ; but he steadfastly refused.

APPENDIX.

TRIALS

CONNECTED

WITH RELIGIOUS FAITH.

THOUGH many of the trials recorded in this volume are manifestations of villainy in power, yet the crimes of politics are, in many respects, venial when compared with those perpetrated in the name of religion. Falsehood and the advantages derived from its ascendancy dare not tolerate either freedom of thought or the promulgation of truth; and though opinions are not overt-acts, yet they are so when opposed to usurpations founded on opinions which those who profess them know will not bear examination.

His own opinions are the unalienable and inherent property of every man. If he promulgate them, and they are unsound and irrational, they will soon die under the weight of their own absurdity, and, therefore, require no opposition of power; but if true, or partly true, or tending to truth, they ought to be published, and, therefore, ought neither to be opposed nor punished.

It is an axiom strictly and universally true, that, whenever any man is brought before a tribunal for any mere opinions entertained, or expressed, or published, the prosecutors and all concerned in the court or tribunal, are thoroughly convinced, that the doctrines which they themselves affect to believe, are not defensible by reason and argument, and that force and terror are necessary to silence the adversary. For, if they really believed their own doctrines, they would be satisfied that contrary opinions would not prevail; that their effect would be destroyed by their absurdity, if absurd, and could have no other effect on those who maintained them, than to render them ridiculous in the estimation of the community.

It is, therefore, a libel on any cause, and a mere indulgence of the passions and pride of its adherents, to prosecute, or persecute, any man for mere opinions, and for seeking to make converts to them. If untrue, they may be answered and are innocent; but if true, they ought to be promulgated for their own sake and the ultimate benefit of the world. It is only when opinions break out in practices or overt-acts against the actual peace and security of society that they become objects of proper cognizance before the civil power, and then it is the unlawful act, and not the opinions, which are the proper objects of punishment.

The Catholic priesthood, who committed the frightful enormities recorded in the following pages, well knew that the pope's supremacy was a mere usurpation and a convenient instrument of

their own promotion. They well knew that the doctrines about transubstantiation and other fancies of their church would not bear investigation, and, therefore, they consigned all who opposed these dogmas to the flames in terror to others. If they had sincerely believed, they would have despised Cranmer and the party of the reformers, and left their errors to the contempt of mankind, and applied punishment only when they committed overt-acts of violence. But they dreaded truth, and as it interfered with their ambition and power, so they sought to stifle it by the most dreadful punishments.

The spirit of the victims, however, defeated the purposes of the papists. They suffered, and in their sufferings created that active sympathy in mankind which otherwise might have slept; and this reaction caused the next age to become even fanatically protestant. The blood of martyrs is the water of the garden of truth, and sufferings in the cause of truth are equivalent to the labours which are required to make a garden flourish; for all that is necessary is to awaken the curiosity and sympathy of mankind, and as the presumptions are adverse to persecutors, so in due time the cause of the victim triumphs, and his self-sacrifice is not made in vain.

As the punishment of being burnt alive is the most appalling to the human mind, so it was that which was adopted by the usurping priesthood to maintain their own crafts and the ascendancy of their ambitious church. It was first adopted by the Inquisition, and, we must presume, that this body was not sincerely Christian, or it would be an imputation on the Christian Religion itself. It is grievous, however, to observe that it was adopted by all sects of Christians against their opponents. Even the illustrious and magnificent mind of Cranmer, the proudest ornament of our nation, adopted it against feeble visionaries—Calvin damned his name to all posterity by his concern in the burning of Servetus—and the protestants with one voice adopted it against deists, and infirm old women, who, it was pretended, preferred the worship of the devil.

The history of man is, in fact, but a narrative of crimes and too late repentance; and it proves, that though he is a thinking he is not a rational animal. Let not our vanity assume, however, that these were the vices of remote ages—do they not still prevail? What are the prosecutions against deistical opinions, but a continuation of the same bad spirit as that which burnt Cranmer, Ridley, Latimer, Hooper, and Farrer? Is it not notorious that the sufferings of the parties create a sympathy dangerous to the hopes of the prosecutors? May not Christians trust their cause to God and truth? Did the persecution of mere opinions ever extirpate them? and, on the contrary, is not persecution their means of fructification? Aye, but we discriminate—the persecuted in our days are blasphemous and bad men—ours is the righteous cause, and as to tolerate is to encourage, so not to extirpate would be to be criminal—thus reasoned the popes of Rome—the inventors of the Inquisition—the fiend Mary and her agents, Gardner and Bonner—they were all good and pious souls, and their victims were sacrifices to the offended Deity. Persecution may vary its

name and form, but its principle is always as wicked and disgraceful as it is cruel and impotent.

As a curious document connected with these atrocities, we subjoin King James's warrant to the Lord Chancellor against a Heretic.

“JAMES REX,

“James, by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c. To our right trusty and right well-beloved counsellor, Thomas Lord Ellesmere, our chancellor of England, greeting. Whereas, the reverend father in God, Richard, Bishop of Coventry and Lichfield, having judicially proceeded in the examination, hearing, and determining a cause of heresy against Edward Wightman, of the parish of Burton-upon-Trent, in the diocese of Coventry and Lichfield, concerning the wicked heresies of the Ebionites, Cerinthians, Valentinians, Arians, Macedonians, of Simon Magus, of Manes, Manichees, of Photinus, and Anabaptists, and of other heretical, execrable, and unheard-of opinions, by the instinct of Satan, by him excogitated and holden, viz.

“That there is not the trinity of persons, the Father, the Son, and the Holy Ghost, in the unity of the Deity. 2. That Jesus Christ is not the true natural Son of God, perfect God, and of the same substance, eternity, and majesty, with the Father, in respect of his godhead. 3. That Jesus Christ is only man and a mere creature, and not both God and man in one person. 4. That Christ our Saviour took not human flesh of the substance of the Virgin Mary, his mother; and that that promise “the seed of the woman shall break the serpent's head,” was not fulfilled in Christ. 5. That the person of the Holy Ghost is not God coequal, coeternal, and coessential with the Father and the Son. 6. That the three creeds, viz. the Apostle's creed, the Nicene creed, and Athanasius's creed, are the heresies of the Nicolaitanes. 7. That he the said Edward Wightman is that prophet spoken of in the eighteenth of Deuteronomy, in these words, “I will raise them up a prophet,” &c. And that that place of Isaiah, “I alone have trodden the wine-press;” and that that place, “Whose fan is in his hand,” are proper and personal to him, the said Edward Wightman. 8. And that he the said Wightman is that person of the Holy Ghost spoken of in the Scriptures; and the Comforter spoken of in the sixteenth of St. John's gospel. 9. And that those words of our Saviour Christ of the sin of blasphemy against the Holy Ghost, are meant of his person. 10. And that that place, the fourth of Malachi, of Elias to come, is likewise meant of his person. 11. That the soul doth sleep in the sleep of the first death, as well as the body, and is mortal, as touching the sleep of the first death, as the body is: and that the soul of our Saviour Jesus Christ did sleep in that sleep of death as well as his body. 12. That the souls of the elect saints departed, are not members possessed of the triumphant church in Heaven. 13. That the baptizing of infants is an abominable custom. 14. That there ought not

to be in the church the use of the Lord's Supper to be celebrated in the elements of bread and wine ; and the use of baptism to be celebrated in the element of water, as they are now practised in the church of England ; but that the use of baptism is to be administered in water only to converts of sufficient age of understanding, converted from infidelity to the faith. 15. That God hath ordained and sent him, the said Edward Wightman, to perform his part in the work of the salvation of the world, to deliver it by teaching, or admonition, from the heresy of the Nicolaitanes, as Christ was ordained and sent to save the world, and by his death to deliver it from sin, and to reconcile it to God. 16. And that christianity is not wholly professed and preached in the church of England, but only in part. Wherein he, the said Edward Wightman, hath before the said reverend father, as also before our commissioners for causes ecclesiastical, within our realm of England, maintained his said most perilous and dangerous opinions, as appeareth by many of his confessions, as also by a book written and subscribed by him, and given to us. For the which his damnable and heretical opinions, he is by divine sentence declared, by the said reverend father the Bishop of Coventry and Lichfield, with the advice and consent of learned divines, and others learned in the laws assisting him in judgment, justly adjudged, pronounced, and declared to be an obstinate and incorrigible heretic, and is left by them under the sentence of the great excommunication ; and, therefore, as a corrupt member, to be cut off from the rest of the flock of Christ, lest he should infect others professing the true Christian faith : and is to be, by our secular power and authority, as an heretic punished ; as by the significavit of the said reverend father in God, the Bishop of Coventry and Lichfield, bearing date at Lichfield the fourteenth day of December, in the ninth year of our reign, and remaining in our court of chancery, more at large appeareth. And, although the said Edward Wightman hath, since the said sentence pronounced against him, been often very charitably moved and exhorted, as well by the said bishop, as by many other godly, grave, and learned divines, to dissuade, revoke, and remove him from the said blasphemous, heretical, and anabaptistical opinions ; yet he arrogantly and wilfully persisteth and continueth in the same. We, therefore, according to our regal function and office, minding the execution of justice, in this behalf, and to give example to others, lest they should attempt the like hereafter, have determined, by the assent of our council, to will and require, and do hereby authorize and require you, our said chancellor, immediately upon the receipt hereof, to award and make out, under our great seal of England, our writ of execution, according to the tenor in these presents ensuing. And these presents shall be your sufficient warrant and discharge for the same."

Writ for burning the same Heretic.

"The King to the sheriff of our city of Lichfield, greeting : Whereas the Rev. Father in Christ, Richard, by Divine Provi-

dence, of Coventry and Lichfield, bishop, hath signified unto us, that he, judicially proceeding, according to the exigence of the ecclesiastical canons and of the laws and customs of this our kingdom of England, against one Edward Wightman, of the parish of Burton-upon-Trent, in the diocese of Coventry and Lichfield, of and upon the wicked heresies of Ebion, Cerinthus, Valentinian, Arius, Macedonius, Simon Magus, of Manes, Manichees, Photinus, and of the anabaptists, and other arch-heretics; and moreover of other cursed opinions belched by the instinct of Satan, ex-cogitated and heretofore unheard-of, the aforesaid Edward Wightman appearing before the aforesaid reverend father, and other divines, and learned in the law, assisting him in judgment, the aforesaid wicked crimes, heresies, and other detestable blasphemies and errors, stubbornly and pertinaciously, knowingly, maliciously, and with a hardened heart, published, defended, and dispersed by definitive sentence of the said reverend father, with the consent of divines, learned in the law, aforesaid, justly, lawfully, and canonically against the said Edward Wightman in that part brought, stands adjudged and pronounced a heretic; and therefore, as a diseased sheep out of the flock of the Lord, lest our subjects he do infect by his contagion, he hath decreed to be cast out and cut off. Whereas, therefore, the holy mother-church hath not further in this part what it ought more to do and prosecute, the same reverend father, the same Edward Wightman, as a blasphemous and condemned heretic hath left to our secular power to be punished with condign punishment, as by the letters patent of the aforesaid reverend father the bishop of Coventry and Lichfield, in this behalf thereupon made, is certified unto us in our chancery. We, therefore, as a zealot of justice, and a defender of the Catholic faith, and willing that the holy church, and the rights and liberties of the same, and the Catholic faith to maintain and defend, and such like heresies and errors every where, so much as in us lies, to root out and extirpate, and heretics so convict, to punish with condign punishment, holding that such an heretic, in the aforesaid form, convict and condemned according to the laws and custom of this our kingdom of England, in this part accustomed, ought to be burnt with fire; we command thee that thou cause the said Edward Wightman, being in thy custody, to be committed to the fire, in some public and open place, below the city aforesaid, for the cause aforesaid, before the people; and the same Edward Wightman, in the same fire, cause really to be burnt, in the detestation of the said crime, and for manifest example of other Christians, that they may not fall into the same crime; and this no ways omit; under the peril that shall follow thereon. Witness, &c.

"Expedit' apud Westm' Nono die Martii Anno Regis Jacobi Angl' &c. Nono. 1611.

"Per Windebank."

QUEEN EMMA,

TRIAL BY FIRE ORDEAL.

THE most remarkable trial *by fire*, recorded in English history, is that of Queen Emma. This lady was the daughter of Richard the Second, duke of Normandy, married to Ethelred, king of England, and mother of Edward the Confessor. She had a large share in the administration of affairs during her son's reign, and had so considerable an interest, that Goodwin, earl of Kent, and of the West-Saxons, who had been chief minister in several reigns, was afraid of being eclipsed by her ascendancy. To get rid of this competition, he charged the queen-mother with several crimes, and getting some of the principal nobility to second his information, the king, who was a weak and overcredulous man, made her a visit, and seized her money and estate, under pretence that she had enriched herself by avarice and injustice. The distressed queen retired to Alwyne, bishop of Winchester, her near relation; but this afforded her enemies an opportunity of heaping new calumnies upon her. Earl Goodwin, particularly, gave out, that these visits were made to facilitate an improper connexion.

The king, who was a saint because he was an idiot, on these reports, obliged his mother to purge herself by undergoing the trial of fire ordeal. Robert Gemeticensis, archbishop of Canterbury, took upon him to impeach her, and Bishop Alwyne, of Winchester, upon three articles:—

1. That the queen consented to the death of her son Alfred.
2. That she used her endeavour to prevent her son, the then king, from obtaining the crown.
3. That she maintained a scandalous intercourse with Alwyne, bishop of Winchester.

For her trial upon these articles, the archbishop, in conformity to the king's directions, convened a synod to investigate the matter, particularly the last article.

The queen was not heard, or any way interrogated by the assembly, concerning any of these charges; but

the resolution of the synod, as reported by the archbishop, was, that Emma, the queen-mother, was sentenced to go on her bare feet over nine plough-shares heated red-hot, in the presence of the clergy and the people, in the cathedral church of Winchester, and, if she received no harm in this trial, she was to be reputed innocent; but if otherwise, she was to undergo the punishment of death.

The unhappy queen spent the night before the ordeal in prayer at St. Swithin's tomb, in the church, and next day, after the preparatory ceremonies, she walked over the nine hot plough-shares unhurt, in the presence of the king, the nobility, and clergy. She was dressed like an ordinary person, naked to the knees, and was compelled to turn her eyes upwards. The fire, say the assumed philosophers or chroniclers, was so far from making any impression upon her, that after she had walked out of the church, and had even trod upon all the irons, she asked when they intended to bring her to their test?

Upon this, King Edward, her priest-ridden son, fell upon his knees, asked pardon, and was willing to make reparation to his injured mother and the bishop of Winchester, by submitting to discipline. To preserve the memory of the miracle, the plough-shares were buried in the cloister of Winchester, and one-and-twenty manors settled upon the bishopric and church of Winchester, three of which were given by the king, nine by Queen Emma, and as many by the bishop himself. What a prize for the vile impostors of priests!

In the ordeal, one pound of iron was enough for a single probation, and three served for a triple one; and none were to be present but such as were fasting. The Litanies being said, the priest began his adjuration thus:

O God, who hast done many wonders by fire, who hast delivered thy servant Abraham from being burnt by the treacherous contrivances of the Chaldeans, who hast suffered the bush to burn in the sight of Moses and not to be consumed; who hast delivered the three children from the fiery furnace of the Chaldeans, by which many of them perished; who having destroyed Sodom and Gomorrah by fire, hast saved Lot thy servant and his family; who at the coming of thy holy spirit hast decreed to separate the faithful from unbelievers by the illustration of fire; shew us in this

trial of our wickedness, the power of the same holy spirit, by the heat of this fire distinguish the faithful from the unbelievers; that the guilty upon a slight touch of the same, upon the account of the crimes about which inquisition is made, may have horror upon them, and their hands or feet in some measure burn; but that those who are innocent may utterly escape and come off unhurt, through, &c.

When this was done, holy-water was given to all present to taste, and sprinkled over the house; then the iron was produced, which was taken in the presence of all by the supposed criminal, and carried for the space of nine feet. His hand was then sealed up, kept so for three nights, and then opened; and if it proved sound and well, thanks were returned to God for it; but if raw and corrupt matter was found where the iron had touched, he was adjudged guilty.

In the trial by scalding water, the accused took a stone out of it, which was hung into it by a string a hand's breadth, the hand being sealed up and opened as before.

At the divorce of Lothaire King of France, and his Queen Tetherga, by whom he was afterwards poisoned, that lady underwent the trial of scalding water, by proxy, and coming off without the least mark or impression, was received by Lothaire her husband, and again co-habited with him.

The communion was also given to those who are to be put into the water.

Mass being over, the priest made holy water, and proceeded to the place where the accused were to be tried. He then gave them some of the water to drink, and afterwards adjured the water to which he sent the accused.

After the water had been thus exorcised, the accused put off their cloaths, kissed the gospel and the cross, and holy water was sprinkled over them. All present were required to be fasting, the accused were then thrown into the water; and if they sunk, they were reputed innocent, but if they swam on the surface they were adjudged guilty. This vile custom prevailed among the English, Germans, and most other nations of Europe.

TRIAL BY COMBAT,

BETWEEN SIR JOHN ANNESLEY, KNT., AND
THOMAS KATRINGTON, ESQ.

IN 1380.

SIR JOHN CHANDOIS, a famous soldier in the reign of Edward III. had, for his eminent services in the French Wars, a grant made him of the Barony of St. Saviour's, in the Isle of Constantine, in the Duchy of Normandy, where he built St. Saviour's castle; but he died without issue, leaving his three sisters his heirs. Sir John Annesley married one of them. The command of the castle being committed to the care of Katrington, who surrendered it to the French, Annesley charged him, that he had sold it, being under no necessity to give it up, and being sufficiently provided with men, ammunition, and provisions: and he offered, for want of more sufficient proof, to try the question by combat with Katrington. Upon which, the day and place were appointed, and all things got ready; while the concourse of people who came to London to see this trial, was thought to exceed that at the king's coronation.

The seventh day of June, 1380, was the day appointed; upon which the king, nobility, and commonalty repaired in the morning to the lists, into which Sir John Annesley, being well armed and mounted on a fine horse, splendidly trapped, first entered as appellant, waiting till his adversary came; and soon after the defendant was summoned to come and defend his cause, in the following form. Thomas Katrington, defendant, come and appear to save the action, for which Sir John Annesley, knt, and appellant, has publicly and by writing appealed thee." Being thus cited thrice to appear by a herald, he came at the third summons, likewise armed, being mounted on a horse, with trappings embroidered with his arms.

Katrington, whose conscience was thought to be far from clear, seemed to be in much confusion, and raised

exceptions, and offered reasons, to make it believed that he was in the right : but the Duke of Lancaster finding him thus demur, swore, that unless he would, pursuant to the rules of combat, and the law of arms, acquiesce, he should be forthwith executed, as guilty of high-treason. Katrington hearing this, said aloud, that he durst fight with Sir John upon this or any other quarrel, for he trusted, says the Chronicle, more to the strength of his body, and the favour of his friends, than to the cause he had undertaken to defend : for he was indeed a very lusty man, whereas the appellant was among the least of those of a middle stature.

The appellant and defendant both, before they began the combat, were obliged to take an oath, that the cause for which they were to fight was just and true, and that they had nothing to do with witchcraft or magic ; nor that they carried about them any herb or stone, or other kind of charm ! When this was done, and both had performed their devotions, they prepared themselves to fight, first with their spears, then with their swords, and last with their daggers. They fought a long time, but at length the appellant disarmed his enemy of all his weapons, and bore him down to the ground : his design was to fall upon him, but the sweat that ran from under his helmet dazzling his sight, he fell down at some distance from him ; which being observed by Katrington, though he was quite spent in the action, yet he made towards the knight, and threw himself upon him.

The king now ordered proclamation to be made, that they should proceed no further, his majesty designing to decide between them : but the knight entreated those that came to help him up, to request the king to let them lie still, for he thanked God he was very well, and did not doubt of the victory, if they would replace his adversary upon him in the same posture as before : but that being not granted, they took him up, and he was no sooner upon his feet, but he cheerfully walked to the king, without assistance ; whereas Katrington could neither stand nor move without two men to support him, and therefore he was set in a chair to rest, and recover his strength.

Then the king and his council finding the knight resolutely bent on trying out the combat, decreed they both should be put into their former posture; the defendant in the interim was seized with a fainting fit, and fell out of his chair, as though he would have died on the spot; upon which, the bye-standers threw wine and water into his face, and pulled off his armour and other apparel; which was taken as a proof of the knight's victory, by the help of God, and so it was adjudged.

Katrington soon after came to himself, opened his eyes, and held up his head, but looked very ghastly, which being told Sir John Annesley, he went to him in his armour, and calling him traitor and a wicked perjurer, asked him if he durst encounter with him any more; but Katrington having neither sense nor spirit to give him an answer, proclamation was made that the combat was over.

Katrington, upon being conveyed to his lodgings, was put to bed; but he soon went raving mad, and so continued till nine o'clock the next day, when he expired.

WILLIAM SAUTRE,

FOR HERESY, 1405.

HENRY IV., to prove himself as sincere in the cause of the Catholics as they had been in his, and as little restrained by humanity or justice in supporting it, passed a statute, whereby all persons, who propagated the new doctrine by preaching, writing, teaching, or discourse, were required to renounce their heresies, and deliver in all their heretical books, and submit themselves to the Church, on pain of being delivered over to the secular arm, and burnt alive.

William Sautre, the parish-priest of St. Osithes, in London, and formerly of St. Margaret's, at Lynn in Norfolk, was the first victim under the new statute, and the first martyr for the reformation in England. He

had been questioned for his opinions by the bishop of Norwich, and, under the fear of death, had formally abjured them. "Let those," says the excellent Fuller, "who severely censure him for *once* denying the truth, and do know who it was that denied his Master *thrice*, take heed they do not as bad a deed more than four times themselves. May Sautre's final constancy be as surely practised by men, as his former cowardliness, no doubt, is pardoned by God." On his removal to London, he petitioned parliament that he might be heard before them for the commodity of the whole realm;—an act to which he must have been induced less by the hope of effecting any public good, than by the desire of recovering his own peace of mind. In consequence of this, he was convened before Archbishop Arundel, in the convocation, and charged with affirming that he would not worship the cross on which Christ suffered, but only Christ who suffered on the cross;—that if any man had vowed to make a distant pilgrimage, he would do better to disburse the expense of such a journey in alms, than to perform it; that it was more the duty of the clergy to preach the word of God, than to say the canonical hours; and, finally, that the sacramental bread continued to be bread after it was consecrated.

He desired time to answer the charges, and on the sixth day delivered in a scroll, explicitly declaring that these were the opinions which he held. Being then asked if he had not formally abjured such opinions the preceding year? he is said to have denied it. The imperfect record of these proceedings has left this denial unexplained; it may have been that sort of denial, which a court of justice requires as preliminary to a trial; this, however, is certain, that it would not be less preposterous than unjust, were we to impute falsehood to one who was about to give the last extreme proof of sincerity, and was actually at that time presenting himself for martyrdom. The single question with which he was prest was, whether the sacrament of the altar, after the pronouncing of the sacramental words, remained material bread or not? It was not sufficient for him to declare a firm belief that it was the bread of life which came down from heaven; he was required to acknow-

ledge, that it ceased to be bread. "Thus," in the words of Fuller, "their cruelty made God's table a snare to his servants; when their other nets broke, this held; what they pretended a sacrifice for the living and the dead, proved indeed the cause of the sacrificing of many innocents; and cavils about the corporal presence, was the most compendious way to dispatch them." Finding it vain to protest that he attempted not to explain what is inexplicable, his final answer was, that the bread, after consecration, remained very bread as it was before. He was then pronounced to be judicially and lawfully convicted as an heretic, and as an heretic to be punished; and being moreover a relapsed heretic, to be degraded, deposed, and delivered over to the secular arm.

This being the first condemnation of the kind in England, Arundel was punctual in all its forms, that they might serve for an exact precedent in future. They were probably derived from the practice of the accursed inquisitors in Languedoc; and they were well devised for prolonging an impression of horror upon the expectant and awed spectators. Sautre was brought before the primate and six other bishops in the cathedral of St. Paul's; they were in their pontifical attire, and he appeared in priestly vestments, with the paten and chalice in his hands. Arundel stood up, and, in the name of the Father, and of the Son, and of the Holy Spirit, (thus profaned in this inhuman process,) degraded him, first from his priestly order, and, in sign of that degradation, took from him the paten and chalice, and plucked the priestly casule from his back. The New Testament was then put into his hands, and taken from him; the stole being at the same time pulled off, to degrade him from the office of deacon. By depriving him of the alb and maniple, his deprivation from the order of sub-deacon was effected. The candlestick, taper, and urceole were taken from him as acolyte; the book of exorcisms as exorcist; the lectionary as reader: he then remained in a surplice as sexton, and with the key of the church-door; these also were taken from him: the priest's cap was then to be laid aside, the tonsure

raised away, so that no outward mark whatever of his orders might remain; the cap of a layman was placed upon his head, and Arundel then delivered him, as a secular person, to the secular-court of the high-constable and marshal of England there present, beseeching the court to receive favourably the said William Sautre, unto them thus recommitted! For with this hypocritical recommendation to mercy the Romish Church always delivered over its victims to be burnt alive! Sautre accordingly suffered martyrdom at the stake; leaving a name which is still slandered by the Romanists, but which the Church of England will ever hold in deserved respect.

The prisons in and about London were soon after filled; and nine-and-thirty persons, the chief of whom was Sir Roger Acton, who is described as a man of great ability and possessions, were suspended by chains from a gallows in Ficket Field, and in that manner burnt alive, for heresy and treason. A large reward was offered for taking Lord Cobham alive or dead; so faithfully, however, was he sheltered, notwithstanding all who harboured him incurred the same danger as himself, that he eluded his persecutors for four years, till he was discovered, by means of the Lord Powis, in Wales. He stood resolutely upon his defence, and would probably not have been taken alive, if a woman had not broken his legs with a stool. In this condition he was carried to London in a horse-litter; and there being hung by the middle in chains, was consumed in the flames, praising God with his latest breath.

The council of Constance, by whose execrable sentence Huss and Jerome of Prague were burnt alive, now condemned Wickliffe also as an obstinate heretic, and ordered that his remains, if they could be discerned from the bodies of other faithful people, should be dug up and consumed by fire. Accordingly, by order of the bishop of Lincoln, as diocesan of Lutterworth, his grave, which was in the chancel of the church, was opened, forty years after his death; the bones were taken out and burnt to ashes, and the ashes thrown into a neighbouring brook, called the Swift.

Among the victims whom the Romish clergy brought to the stake, in the reign of Henry VII., was a woman of some quality, Joan Boughton by name, the first female martyr in England: she was more than eighty years of age, and was held in such reverence for her virtue, that, during the night after her martyrdom, her ashes were collected, to be preserved as relics for pious and affectionate remembrance. Her daughter, the Lady Young, suffered afterwards the same cruel death, with equal constancy. At Amersworth, when William Tilsworth was burnt, his only daughter, as being suspected of heresy, was compelled not only to witness his death, but with her own hands to set fire to him! By such barbarities did the Romish Church provoke the indignation of God and man. That it should have made one real convert, by such means, is impossible; though it compelled many to abjuration. In that case, the miserable wretches whom it admitted to its mercy, were made to bear a faggot in public, while they witnessed the martyrdom of those who had more constancy than themselves. They were fastened to a stake by the neck with towels, and their hands held fast, while they were marked on the cheek with a hot iron; after which, they were for life to wear a faggot, worked or painted on the left sleeve; and if they ventured to lay aside this badge, which, if they were in humble life, consigned them to want as well as infamy, they were sent to the flames without remission:—so that it became a saying, Put it off and be burnt; keep it on and be starved. Bishop Nix, of Norwich, one of the most infamous for his activity in this persecution, used to call the persons whom he suspected of heretical opinions, men savouring of the frying-pan;—with such levity did these monsters regard the sufferings which they inflicted.

. *For the Trial of Lord Cobham, for Heresy and Treason, see Vol. I.*

JOHN HUSS,

PASTOR OF A CHURCH NEAR PRAGUE,

FOR OPPOSING POPERY.

JOHN HUSS, while a student at Prague, read Wickliffe's books; and what Dr. Wickliffe was in England, Dr. John Huss became in Bohemia.

Queen Anne, the wife of king Richard II. of England, was daughter to the emperor Charles IV. and sister to Wincislaus, king of Bohemia. She favoured Wickliffe's doctrines, and after her death several of Wickliffe's books were carried, by her attendants, into Bohemia, and proved a means of promoting the reformation there.

The books of Wickliffe were likewise carried into Bohemia by Peter Payne, an Englishman, one of his disciples; but Shynko, the archbishop of Prague, ordered the members of the university to bring him Wickliffe's books; and he burnt two hundred volumes of Wickliffe's works, very finely written, and adorned with costly covers and gold bosses.

Huss had distinguished himself in the university, where he taught grammar and philosophy. He had applied himself to the study of the holy scriptures, and the Latin fathers.

In the year 1401 he was chosen dean of the university of Prague; and, in 1409, by the consent of all the university, he was chosen rector. He heartily embraced the doctrine of Wickliffe, and declared that the members of the university had a right to read all sorts of books without any molestation.

The archbishop of Prague informed Pope Alexander V. that the doctrine of Wickliffe began to take root in Bohemia; upon which the archbishop obtained a bull, whereby the pope gave him a commission to prevent the publishing of Wickliffe's doctrines in his province.

Pope John XXIII. granted a commission to cardinal Colonna to cite John Huss to appear personally at

the court of Rome, to answer the accusations laid against him of preaching both errors and heresies. Three proctors appeared for Dr. Huss before cardinal Colonna. They endeavoured to excuse the absence of Huss, and declared they were ready to answer in his behalf. But the cardinal declared Huss contumacious, and excommunicated him accordingly. The proctors appealed to the pope, who appointed four cardinals to examine the process. These commissioners confirmed the former sentence, and extended the excommunication not only to Huss, but also to all his disciples or followers.

Then the popish clergy, and some of the persons of distinction, opposed Huss being thus excommunicated. And Wincislaus, the king of Bohemia, banished him; but he was entertained in the country, and protected at Hussinez, where he preached in the parish-church, and some places adjacent, against the pride, idleness, cruelty, and avarice of the court of Rome and clergy; multitudes of persons attending his ministry.

The council of Constance was assembled the 16th of November, 1414, to determine the dispute between the three persons that contended for the papacy; their names were John, Gregory, and Benedict. In the room of these three popes, Martin was chosen. The next design was to apply remedies to the disorders of the church. By these disorders nothing more was meant than Wickliffe's heresy, as they called it; and this affair took up a full moiety of the council's time.

Dr. Huss was summoned to appear at Constance. The emperor Sigismond, brother and successor to Wincislaus, encouraged Huss to obey the summons, and sent two gentlemen into Bohemia to communicate the affair to Huss himself. Huss directly answered, that he desired nothing more than to purge himself publicly of the imputation of heresy; and that he esteemed himself happy in so fair an opportunity of doing it, as the approaching council afforded.

The emperor sent him a passport, with assurance of safe-conduct, whereby he gave him permission to come freely to council, and return from it again. It was on

October 15, 1414, that John Huss began his journey towards Constance, accompanied by two Bohemian noblemen, the barons of Clum, who were among the most eminent of his disciples, and followed their master merely through respect and love.

The civilities, and even reverence, which he met with every where on his journey, exceeded his imagination. The streets, and sometimes the very roads, were lined with people, whom respect, rather than curiosity, had brought together. He was ushered into the towns with great acclamations; and it may be said, that he passed through Germany in a kind of triumph. He could not help expressing his surprise at the treatment he met with; "I thought," said he, "I had been an outcast. I now see my worst enemies are in Bohemia."

He arrived at Constance on the 3d of November, where no one molesting him, he took private lodgings. Soon after Stephen Paletz came, who was employed by the clergy at Prague to manage the intended prosecution against John Huss. Paletz was afterwards joined by Michael de Cassis, on the part of the court of Rome. They declared themselves his accusers, and drew up a memorial against him, which they presented to the pope and the prelates of the council.

Dr. Huss, twenty-six days after his arrival, was ordered to appear before the pope and cardinals. It has been observed, that his appearing there was by the emperor's own request; but, notwithstanding the safe-conduct, he had no sooner come within the pope's jurisdiction than he was arrested, and committed prisoner to a chamber in the palace.

He was afterwards removed by the bishop of Constance to another prison, a castle on the other side of the Rhine, where, in the day, he had fetters put upon his legs, and every night he was tied by his hands to a rack against the wall: hereupon many noblemen of Bohemia petitioned for his release, at least to be upon bail; but their petition was not granted.

The petition of the nobles signified:—

"That Dr. John Huss freely, and of his own accord, came to Constance under the emperor's safe-conduct, and that against law

and reason he hath been imprisoned before he is heard, and, at present, is greatly tormented with hunger, thirst, and fetters; though formerly at the council of Pisa, held in the year 1410, those who were declared heretics were allowed their liberty. But Dr. John Huss, though neither convicted nor condemned, nor so much as once heard, has been imprisoned: and, though the king of Bohemia and nobles, here present, have most earnestly desired and required that his safe-conduct might not be violated, and that the said Dr. John Huss might be publicly heard, he being ready to tender a reason of his faith; but the said John Huss is greatly distressed with fetters and irons, and so weakened with hunger and thirst, that his life is in great danger: wherefore we most earnestly desire, that, for the honour of the safe-conduct granted him by the king, and for the preservation of the honour of the kingdom of Bohemia, and of your own also, you will be pleased to enter upon the affair relating to John Huss, his life being in great danger by his imprisonment, if it be longer delayed."

But notwithstanding this petition, his judges heard his enemies in his absence, and examined witnesses against him.

When Huss saw the cruelty of his judges, the wickedness of his accusers, the falsity of the witnesses, and the rage of the council against him, and that they breathed forth nothing but fire and vengeance, he kneeled down, and commended his righteous cause to the Lord Jesus Christ, begging forgiveness for his enemies; and he earnestly requested, with tears, that the council would convince him of any error, and he would willingly retract it; but nothing prevailed, for they proceeded to condemn and degrade him; whereupon he kneeled down, and said, "Lord Jesus Christ, forgive my enemies, by whom thou knowest I am falsely accused: forgive them, I pray, for thy great mercy's sake."

The bishops appointed by the council stripped John Huss of his priestly garments, degraded him, and put a cap of paper on his head, on which devils were painted, with this inscription, "A ringleader of heretics." And to justify their proceedings against him, because the emperor had given him his safe-conduct, the council declared, that faith was not to be kept with heretics.

The bishops delivered Huss to the emperor, who put him in the hands of the duke of Bavaria. His books were burnt at the gate of the church, and he was led to the suburbs to be burnt alive.

When he came to the place of execution he fell on his knees, sang portions of psalms, looked stedfastly towards heaven, and said, "Into thy hands, O Lord, do I commit my spirit; thou hast redeemed me, O most gracious and faithful God."

When the chain was put about him at the stake, he said, with a smiling countenance, "My Lord Jesus Christ was bound with a harder chain than this for my sake, and why should I be ashamed of this old rusty one."

When the faggots were piled up to his very neck, the duke of Bavaria was officious enough to desire him to abjure. "No," said Huss, "I never preached any doctrine of any evil-tendency; and what I taught with my lips, I now seal with my blood." He said to the executioner, "That out of the ashes of the goose, (for Huss signifies a goose in the Bohemian language) an hundred years after, God would raise up a swan, whose singing will make many to tremble."

The flames were then applied to the faggots, when he sang an hymn with so loud and cheerful a voice that he was heard through all the cracklings of the combustibles, and the noise of the multitude. He continued singing till the wind drove the flame and smoke into his face. For some time he was invisible.

When the rage of the fire abated, his body, half consumed, appeared hanging over the chain; which together with the post were thrown down, and a new pile heaped over them.

The duke of Bavaria ordered the executioner to throw all the martyr's clothes into the flames; after which his ashes were carefully collected, and cast into the Rhine.

JEROME, OF PRAGUE,

FOR OPPOSING POPERY. 1416.

JEROME was born at Prague, and educated in that university, where he was admitted master of arts, and he promoted the doctrines of Wickliffe, in conjunction with Huss. Jerome studied in many of the considerable universities in Europe, particularly in those of Prague, Paris, Heidelburgh, Cologne, and Oxford. He was every where esteemed for his eloquence, which gave him great advantages in the schools, where he defended what Huss advanced.

On his return to Prague he professed himself an open favourer of Wickliffe, and finding that his doctrines had made a considerable progress in Bohemia, and that Huss was the great promoter of them, he became an assistant to him in the great work of reformation.

When Huss went to the council of Constance, Jerome very earnestly exhorted him to bear up firmly in this great trial; and, especially, to insist strenuously upon the corrupt state of the clergy, and the necessity of a reformation: he added, that if he should hear in Bohemia that Huss was overpowered by his adversaries, he would immediately repair to Constance, and lend him what assistance he was able. He promised only what he fully intended, for he no sooner heard of the difficulties in which his master was engaged, than he set out for Constance.

He arrived there on the 4th of April, 1415, about three months before the death of Huss. He entered the town privately; and consulting with some of the leaders of his party whom he found there, he was convinced that he could be of no service to his friend.

He set out upon his return to Bohemia. He had the precaution to carry with him a certificate, signed by several of the Bohemian nobility then at Constance, testifying that he had used all prudent means in his power to procure a hearing. But he did not thus escape. At Hirsaw he was seized by an officer of the duke of Sultsbach; who, though he acted unautho-

rised, made little doubt of the council's thanks for so acceptable a service. The duke of Sultsbach having Jerome now in his power, wrote to the council for directions. The council expressing their obligation to the duke, desired him to send the prisoner immediately to Constance. The elector-palatine met him, and conducted him in triumph into the town; himself riding on horseback, with a numerous retinue, who led Jerome in fetters, by a long chain, after him. He was brought immediately before the council.

The rectors of the universities of Cologne and Heidelberg made great complaints of the heresies which Jerome had maintained in those places. Many voices burst out from every quarter! "Away with him; burn him, burn him." Jerome looked round the assembly with an air of serenity, and cried out aloud, "Since nothing can satisfy you but my blood, God's will be done." Thus ended his first hearing, and then he was carried from the assembly into a dungeon under the custody of a guard, till it could be determined how to dispose of him. He was afterwards conveyed to a strong tower, where, his hands being tied behind his neck, he was left to languish in that painful posture, during the space of two days, without any nourishment but bread and water.

These severities, and others, which were inflicted upon him, were intended to force a recantation from him; a point which the council exceedingly laboured, and nothing, in the way either of promising or threatening, was omitted, which, it was thought, might be effectual to that end.

His confinement brought on him a dangerous illness, when endeavours were used to bring him to a recantation: and immediately after the death of Huss, all the circumstances of that shocking affair were laid before him, in order to work upon him: but his resolute answers afforded them little hope of success. He was three times brought before the council, and retired master of himself to the horrors of his dungeon.

After he had been in prison a year, wanting seven days, he was brought before the council, on the twenty-third of September, who required him to make a recan-

tation of the doctrines of Wickliffe, and to assent to the condemnation of Huss; which, it was said, he did, by reading a paper before the council: partly for fear of death, and to be delivered from imprisonment, chains, hunger, sickness, and even torture, which he had endured through a succession of many months.

He was sent back to prison, and guarded by soldiers, but not so strongly chained as before. In May, in the year 1416, Jerome was again called before the council, when he rejoiced at an opportunity of acknowledging that shameful dereliction which hung so heavy upon him.

They proceeded to pass sentence upon him, by which he was condemned for having held the errors of Wickliffe, and for apostatising. He was immediately delivered over to the civil power; but as he was a layman he had no ceremony of degradation to undergo. They prepared a cap of paper, painted with red devils, and it being put upon his head, he said, "Our Lord Jesus Christ, when he suffered death for me, a most miserable sinner, did wear a crown of thorns upon his head, and I, for his sake, will willingly wear this cap."

In going to the place of execution he sang some hymns; and when he came to the place where John Huss had been burnt, he kneeled down and prayed fervently. He was bound to a stake, where they had made an image of John Huss. When the executioner went behind him to set fire to the pile, "Come here," said Jerome, "and kindle it before my eyes, for if I had been afraid of it, I had not come to this place, having had so many opportunities offered me to escape it."

The city of Constance admired his constancy and christian magnanimity in suffering death. At the giving up the ghost, he said, "*Hanc animam in flammis offero, Christi, tibi.*" This soul of mine, in flames of fire, O Christ, I offer thee,

RICHARD HUNNE,

A CITIZEN OF LONDON,

FOR HERESY, AFTER HIS DEATH;

AND

DR. HORSEY AND OTHERS,

FOR MURDERING HIM, IN THE YEAR 1514.

RICHARD HUNNE was a citizen and merchant-taylor of London, in the reign of Henry VIII. a man of substance, and a good catholic. This man having a child at nurse, in the parish of St. Mary Matfilon, in Middlesex, which child died and was buried there, Thomas Dryfield, clerk and rector of that parish, laid claim to the bearing-sheet, as a mortuary due to him for burying the child, which the other refused, alleging that the child having no property in the sheet, he neither would give it him, nor had the other any just right to it. The clerk thereupon summoned him to appear in the spiritual court, there to answer his demands; but Hunne considering that he was likely to be borne down there, applied to counsel learned in the law, who instructed him to bring a writ of præmunire against the person, and all his aiders, counsellors, proctors, and adherents.

The clergy now took alarm, and being apprehensive that if they suffered their brother to be cast at the suit of Hunne, a precedent would be open for others; and at length they accused him of heresy, before Dr. Richard Fitz-James, then bishop of London, who ordered him to be confined in the Lollards' tower at St. Paul's, and so close that none of his friends should be allowed to come near him. Some time after he was, at the instigation of one Dr. Horsey, the bishop's chancellor, brought before his lordship, at Fulham, on the following articles:

1. That he had read, taught, practised, published and obstinately defended, against the laws of Almighty God, that tythes, or paying of tythes, was never ordained to be due, save only through the covetousness of the priests.

2. *Item.* That he had read, taught, preached, pub-

lished and obstinately defended, that bishops and priests were the scribes and pharisees, who crucified Christ and condemned him to death.

3. *Item.* That he had read, taught, preached, &c. That bishops and priests were teachers and preachers, but no doers nor fulfillers of the law of God, but were for ravening, catching at, and taking every thing they could get, but far from giving and parting with any thing.

4. *Item.* That whereas one Joan Baker was detected of and abjured many great heresies, as appears by her abjuration: The said Richard Hunne said, published, taught and obstinately defended her, saying, That the bishop of London and his officers had done manifest injury to the said Joan Baker, in punishing her for heresy, for her words and opinions were conformable to the laws of God: Wherefore the bishop and his officers deserved to be more punished for heresy than she did.

5. *Item.* That the said Richard Hunne had in his custody several English books, which were prohibited and condemned by law, as the apocalypse in English, also the epistles and gospels, Wickliffe's damnable works, and other books, containing infinite errors, which he had for a long time been used to read, to act, and daily to study.

There were no particular answers to these several articles set down in the register, but the following words, written in his name, in a different hand: "As for these articles I have not spoken the words as they are set down, nevertheless I have unadvisedly spoken words somewhat tending that way, for which I am sorry, ask God forgiveness, and submit myself unto your lordship's charitable and favourable correction."

The examination being concluded, the bishop remanded Hunne to the Lollards' tower again, upon which he was, by the direction of Dr. Horsey, his chancellor, taken out of the custody of Charles Joseph, the bishop's sumner, and put into the hands of John Spalding, the bell-ringer, that they might the better perpetrate the horrid murder which they had projected. In short, the poor man was, on the 4th of December, found hanging in the chamber where he had been imprisoned; before the discovery of which, John Spalding on

that very morning went out of the way into the city, leaving the keys of the prison with one of his fellows, to deliver them to the sumner's boy, who was accustomed to carry victuals and other necessities to the prisoner; their intention being this, That the boy first finding Hunne dead, they, by his account, might be freed from all manner of suspicion, which, indeed, at first succeeded according to their wishes: For the boy, with two others of the bishop's sumners, going into the prison to serve him as usual, and finding him hanged with his face to the wall, they were frightened, and immediately ran to the chancellor, then in the church, with the news; who forthwith, with some of his colleagues, going into the prison, it was immediately given out that Hunne had in desperation hanged himself. Thus the rumour passed currently at first, and the murderers began to think themselves safe from discovery.

It was fit to have an inquest; and while the coroner and the inquest were engaged, according to their oaths and duty, the bishop proceeded *ex-officio*, as in case of heresy, against the deceased; imagining, as likely, that if he were once condemned of heresy, the inquest could do no less than find him guilty of self-murder; and, therefore, besides the articles which they affirmed were objected against him in his life-time, Dr. Head now collected some others out of the prologue of an English bible of Hunne's remaining in the bishop's hands.

These articles, as well as others, were publicly read on the following Sunday, by the preacher, at Paul's Cross, and were thus premised.

"Masters and Friends, I am commanded, for certain causes and considerations, to rehearse, shew, and publish here unto you, the articles of heresy upon which Richard Hunne has been examined and detected; so am I also to produce to you other notorious articles, heretical opinions and tenets, contained in some of his books, and they are here ready for your hearing."

When the articles had been read aloud, the preacher concluded thus:

"If any body is desirous to see the particulars of these articles, or doubtful whether they are contained in this book or not, he may, for his satisfaction, go to my Lord of London's, and they shall readily be shewn him: Moreover, I do here warn and admonish you, if there

are any amongst you who, through ignorance or inadvertency, have been partaking of the said articles charged upon Richard Hunne, or have heard him read this book, or any other savouring of heresy; or have by them any such books as these, let them repair to my Lord of London, between this and next Candlemas, and acknowledge their error, they shall be kindly used, so as to save their estates and reputations: And if they do not come of their own accord, but stand out to be prosecuted at law, they must take it for their pains, if they be punished according to the rigour of law."

The bishop now proceeded to give judgment against the dead body of Richard Hunne. There were present in court, besides the bishop of London, those of Durham and Lincoln, with many doctors in divinity and the canon law; and they sentenced his dead body to be burnt; and having delivered the same to the secular power, it was burnt accordingly, on the 20th of December, 1514, in Smithfield, sixteen days after he had been barbarously murdered.

This proceeding occasioned loud clamours, and all exclaimed against the cruelty of their clergy; that a man for suing a clerk according to law, should be long and severely used in a cruel imprisonment, and at last inhumanly murdered, and all this laid on himself, to defame and ruin his family; and the burning of his body was thought to be a complication of vengeance which none but barbarians would have been guilty of.

The coroner's inquest were extremely diligent in their duty, and were several times sent for by the privy-council, the king himself being present; at other times they appeared before the chief judges and justices of the kingdom, who, observing how the clergy interested themselves in the affair, left it wholly to the inquest, who gave in their verdict, that Dr. Horsey, the bishop of London's chancellor, Charles Joseph, his sumner, and John Spalding, the bell-ringer of St. Paul's, had committed wilful murder upon the body of Richard Hunne, and they brought in their inquest verdict in these words:

"The fifth and sixth day of December, 1514, in the sixth year of the reign of our sovereign lord King Henry VIII. William Barnwell, coroner of London, the day and year above said, within the ward of Castle Baynard of London, assembled a quest, whose names afterwards do appear; and hath sworn them truly to enquire of the death of one Richard Hunne, who lately was found dead in

the Lollards' tower, within Paul's church, of London; whereupon all We of the inquest together went up into the said tower, where we found the body of the said Hunne hanging upon a staple of iron, in a girdle of silk, with fair countenance, his head fair kemed, and his bonnet right sitting upon his head, with his eyes and mouth fair closed, without any stirring, gaping, or frowning; also without any driveling or sparging in any part of his body: Whereupon by one assent we all agreed to take down the dead body of the said Hunne, and as soon as we began to heave the body, it was loose, whereby by good advisement we perceived that the girdle had no knot about the staple, but it was double cast, and the links of an iron chain, which did hang on the iron staple, were laid upon the same girdle, whereby it did hang; also the knot of the girdle that went about his neck stood under his left ear, which caused his head to lean towards his right shoulder; notwithstanding there came out of his nostrils two small streams of blood, to the quantity of four drops; save only those four drops of blood, the face, chin, doublet, collar, and shirt of the said Hunne was clear from any blood: Also we find, that both the skin of his neck and throat beneath the girdle of silk, was freat and fallen away with that thing which the murderers had broken his neck withal: Also the hands of the said Hunne were wrung in the wrists, whereby we perceived that his hands had been bound. Moreover, we find that within the said prison was no means whereby any man might hang himself, but only a stool, which stool stood upon a bolster of a bed, so tickle, that any man or beast might not touch it so little but it was ready to fall; whereby we perceived that it was not possible that Hunne might hang himself, the stool so standing. Also all the girdle from the staple to his neck was too little for his head to come out thereat: Also it was not possible that the soft silken girdle could break his neck, or skin beneath the girdle: Also we find in a corner somewhat beyond the place where he did hang, a great parcel of blood: Also we find upon the left side of Hunne's jacket, from the breast downwards, two great streams of blood: Also within the flap of the left side of his jacket, we find a great cluster of blood, and the jacket folden down thereupon: which thing the said Hunne could never fold nor do after he was hanged: whereby it appeareth plainly to us all, that the neck of Hunne was broken, and the great plenty of blood was shed before he was hanged: Wherefore all we find by God and all our consciences, that Richard Hunne was murdered. Also we acquit the said Richard Hunne of his own death.

"Also there was an end of a wax-candle, which John the bell-ringer saith he left in the prison burning with Hunne that same Sunday at night that Hunne was murdered, which wax-candle we found sticking upon the stocks, fair put out, about seven or eight foot from the place where Hunne was hanged; which candle after our own opinion was never put out by him, for many likelihoods which we have perceived. Also at the going up of Master Chancellor into the Lollards' tower, we have good proof, that there lay on the stocks a gown of murrey or crimson in grain furred with

shankes, whose gown it was we could never prove, nor who bore it away. All we find that Master William Horsey, chancellor to my Lord of London, hath had at his commandment both the rule and guiding of the said prisoner. Moreover, all we find, that the said Horsey, chancellor, hath put Charles Joseph out of his office, as the aforesaid Charles hath confessed, because he would not deal and use the said prisoner so cruelly, and do to him as the chancellor would have had him to do. Notwithstanding the deliverance of the keys to the chancellor by Charles on the Saturday at night before Hunne's death, and Charles riding out of the town on that Sunday in the morning ensuing, was but a convention made betwixt Charles and the chancellor, for to colour the murder; for the same Sunday that Charles rode forth, he came again to the town at night, and killed Richard Hunne, as in the depositions of Julian Littel, Thomas Chicheley, Thomas Simondes, and Peter Turner, do appear.

"After colouring of the murder, betwixt Charles and the chancellor conspired, the chancellor called to him one John Spalding, bell-ringer of Paul's, and delivered to the same bell-ringer the keys of the Lollards' tower, giving unto the said bell-ringer a great charge, saying, 'I charge thee to keep Hunne more straightly than he hath been kept, and let him have but one meal a day. Moreover, I charge thee let no body come to him without my license, neither to bring him shirt, cap, kerchief, or any other thing, but that I see it before it come to him.' Also, before Hunne was carried to Fulham, the chancellor commanded to be put on Hunne's neck a great collar of iron, with a great chain, which is too heavy for any man or beast to wear and long to endure.

The inquest said further in their verdict,

"That there was good proof that the chancellor before Hunne's death went up into the Lollards' tower, and kneeling down before Hunne, held up his hands to him, and begged him to forgive him whatever he had done or must do to him: That the chancellor the next Sunday commanded the penitentiary of St. Paul's to go up to him, to read a Gospel, and to prepare consecrated bread and water for him, which he was to administer to him, and he did so accordingly; and the chancellor likewise commanded he should have his dinner given him, during which Charles, his boy, was shut up with Hunne in his prison, a thing never done before by them. The bell-ringer, after dinner, let the boy out, saying, 'Come no more hither with victuals for him till to-morrow noon; for my master, the chancellor, has commanded me to let him have but one meal a-day.' That Hunne was murdered the same night, which murder could not have been committed without the leave and approbation of the chancellor, and the privity of John Spalding, the bell-ringer: for nobody could get into the prison without the keys, which were in the bell-ringer's custody. It appears further, by my Lord of London's book, that John, the bell-ringer, is a poor simple fellow, and, therefore, we all conclude, the mur-

der could not be committed without the chancellor's order, and with the privy of John, the bell-ringer."

Further, Charles Joseph, in the Tower of London, declared voluntarily, and without any constraint,

"That the chancellor drew up and set down with his own hand all the heresies which were laid to Hunne's charge, attested by John Gad, John True, John Pasmere, Richard Gibson, and several others. Again, Charles Joseph affirms, that when Hunne was murdered, John, the bell-ringer, carried a wax-candle up stairs into the Lollards' tower, with the keys of the door hanging on his arm: That Charles himself went next to him, and the chancellor last: That when they were all got up, they found Hunne lying on his bed, upon which the chancellor said, 'Lay hands on the thief;' and so they all murdered him. Charles put the girdle about the prisoner's neck; that then John, the bell-ringer, and himself lifted him up, and that the chancellor pulled the girdle over the staple, and so they hanged him."

Julian Littel, a servant maid of Charles Joseph's, freely deposed, that her master, on Wednesday night, after the death of Richard Hunne, came home to supper, to whom she said,

"Master, I was informed you were put into prison: That Charles answered, 'There is a pleasure in turning the penny:' That when he had supped, he packed up some of his goods, and, with Julian's assistance, carried them to Mr. Porter's house: That when that was over, he said to her, 'Julian, if thou wilt be sworn to secrecy, I will make a discovery to thee;' to which the wench answered, 'Yes, so it be neither felony nor treason.' He thereupon took a hook out of his pocket, and she swore to him secrecy upon it.—This done, he said to Julian, 'I have made away with Richard Hunne.'—'Alas! master,' said the maid, 'he was reputed an honest man.'—Charles answered, 'I have put a wire into his nose.'—'Alas!' cried Julian, 'you are now quite ruined and undone.'—'Then,' quoth Charles, 'Julian, I confide in thee that thou wilt keep my counsel.' To which, having answered 'Yes,' she advised him, for God's sake, to shift for himself. 'Then,' said Charles, 'I would rather have given a hundred pounds than it should have been done; but it is over and cannot be recalled.' Farther, Charles was then so free, that he told Julian, 'I rode to my Cousin Barrington's on Sunday, was very merry there, and tarried all day till it was night, and yet I was in London before midnight, and murdered Hunne: I rode thither again next day, dined and sent for some neighbours, where we made good cheer.' Then Julian asked her master, where he put up his horse that night he came to town, and why he did not come home? Charles answered, 'I would not come home for fear of being discovered.' This led Julian to ask her master, 'Who was with you at the murdering of Hunne?' he replied, 'I will not tell you.'"

Julian added,

"That her master tarried all day at home, and in great fear; that he went out on the Friday morning before day-light, as he said, to St. Paul's, and at his return seemed much afraid, saying, 'Get me my horse ready;' and so with much haste and trembling, making himself ready for riding, he bid Mr. Porter's lad lead his horse up into the field, behind the back-side; and then he put in his mase or masor into his sleeve, with some other plate borrowed of Mr. Porter, both of gold and silver: But the value or quantity she could not tell; and so going into the field after his horse, Julian brought his wallet after him. Farther she deposed, That Charles, her master, came home late in the night-time on Friday in the Christmas week following, bringing along with him three bakers and a smith that lived at Stratford, and the same night carried away all his goods, by the field-way, to the Bell in Shoreditch, and, early in the morning, from thence, in carts, to Stratford."

Over and above the before-mentioned, Julian said,

"That Charles, on the Saturday night before Hunne's death, brought a gurnard home along with him, saying 'It was for Hunne;' and Charles's boy told Julian, 'That there was also a piece of fresh salmon provided, which John, the bell-ringer, had:' That Charles had said also to Julian, 'Were it not for the ugly trouble that would attend it, I could bring my Lord of London to the very doors both of heretical men and women in London, which would be worth a thousand pounds, but I am afraid the wicked midwife will betray us all.' He also said the same thing and more at large to Porter, and using these words, 'The very best in London:' to which Porter replied, 'My Lord Mayor is the best in London;' to which Charles rejoined, 'I will not excuse him altogether, since he takes this business to heart.'"

Charles Joseph then stated,

"That he lay in Barrington's house with another man's wife, all that night wherein Richard Hunne was murdered, and tarried there the next day till eleven o'clock; and to prove the same brought Barrington's wife and the woman he lay with before the privy-council; this was wholly false, as very plainly appeared, by the depositions of Julian Littel, Thomas Chicheley, taylor; Thomas Simondes, stationer; Robert Johnson and his wife, and of John Spalding, the bell-ringer. To this was added, that Peter Turner, Charles Joseph's son-in-law, had said to a good woman, a wax-chandler's wife, 'That, before that day sevensnight, Hunne should have a disastrous death: As also the saying of John Spalding himself to John Enderbye, a barber; 'That there was so grievous a penance designed for Hunne, that when people came to hear of it, it would greatly amaze them.'"

The bishop of London finding that no endeavours were omitted to search into the whole affair, used his utmost to stifle it, and applied to Cardinal Wolsey,

“ Beseeching him to stand a friend to his poor chancellor, then in custody, and indicted by a treacherous inquest, for the murder of Richard Hunne, upon the bare accusation of Charles Joseph, forced to it by his sufferings and imprisonment : That by his interposition the King might order the matter to be duly and thoroughly examined by indifferent persons of his privy-council, in the presence of the parties, before any thing was done further therein ; and that, upon the manifestation of the innocence of his chancellor, his majesty would order his attorney-general to confess in court, that the said indictment was false : for I am very certain, if my chancellor comes to be tried by a jury of twelve men in London, they are so maliciously bent, and such promoters of heresy, that they will convict any clergyman, though he were as innocent as Abel : Wherefore, blessed father, if you will help our infirmities, we shall for ever be obliged to you : and, besides all this, I humbly intreat you, that I may obtain his majesty’s favour, whom I never offended in my life, and that, by your intervention, I may be admitted to speak with him and you, and I and all men shall pray for the long continuance of your prosperity.”

However, the cardinal and the bishop contrived to stop any further proceedings ; but the fact was so foul and evident, that their opposition made it the more generally believed. In the mean time a parliament being called, a bill was sent up by the commons to the lords, for restoring Hunne’s children, which was passed and received the royal assent ; another being brought in about the time, it occasioned great debate. This bill, among other things, imported, that the jury who sate upon Hunne were honest men, and the bishop of London declared in his place,

“ That, upon his conscience, they were false and perjured caitiffs, and abjured the lords for God’s sake to put a stop to that affair ; which, if they did not, he durst not tarry in his house for fear of heretics ;” adding, “ that Hunne had hanged himself, and none other ought to suffer for it.”

Warrants were then issued against Dr. Horsey, the bishop’s chancellor, who was the principal in the murder, and had secreted himself in the archbishop’s house. The bishop solicited the cardinal to move the king to lay his commands on the attorney-general, to declare in court that the indictment was not true, and that it might not be referred to a jury. The king was not willing to irritate the clergy, and thinking he had maintained his prerogative in bringing Horsey to the bar, ordered the attorney to do so : and, accordingly, when Horsey was

brought to the bar, and indicted for murder, he pleaded *not guilty*; on which the attorney declared he was dismissed, and he went to live at Exeter, from whence he never returned to London.

Hunne's goods, to the value of 1,500*l.* were, pursuant to the act of parliament, and the king's letters upon it, restored to his children; but the murderers thus escaped.

The names of the coroner's inquest deserve to be recorded.

THOMAS BARNWELL, Coroner.

John Barnard,
John Sterte,
William Warren,
Henry Abraham,
John Aborow,
John Turner,
Robert Allen,
William Marler,
John Burton,
James Page,
Thomas Pickehil,
William Burton,

Robert Bridgwater,
Thomas Busted,
Gilbert Howell,
Richard Gipson,
Christopher Crofton,
John God,
Richard Holt,
John Pasmere,
Edmund Hudson,
John Anusel,
Richard Cowper,
John Time.

THOMAS BILNEY.

1532.

AMONG the martyrs of his time, Thomas Bilney is one whose name will ever be held in deserved reverence. He had been brought up from a child at Cambridge, where laying aside the profession of both laws, he entered upon what was then the dangerous study of divinity; and being troubled in mind, repaired to priests, who enjoined him masses, fasting, watching, and the purchase of indulgences, till his scanty purse and feeble constitution were both well nigh exhausted. At this time, hearing the New Testament, which Erasmus had just published, praised for its latinity, he bought it for that inducement only; and opened it upon a text, which, finding his heart open, rooted itself there:—

“ This is a faithful saying, and worthy of all acceptance, that Jesus Christ came into the world to save sinners, of whom I am chief.” The comfort which these words conveyed, was confirmed by the frequent perusal of a book which now became to him sweeter than honey, or the honey-comb; and he began to preach as he had learnt, that men should seek for righteousness by faith. It was not long before he was accused before Cuthbert Tonsal, then bishop of London, a man of integrity and moderation, though compelled to bear a part in proceedings which were utterly abhorrent to his natural disposition. The main accusations against him were, that he asserted Christ was our only mediator, not the Virgin Mary, nor the Saints; that pilgrimages were useless; and that offerings to images were idolatry. Of these doctrines he was found guilty; but was persuaded to recant, and accordingly bore a faggot at St. Paul’s Cross. It appears that Tonsal, with his wonted humanity, favoured and wished to save him; he was not branded, nor subjected to any further punishment, but permitted to return to Cambridge.

From that hour, Bilney had no peace in himself. Latimer, who was at that time cross-keeper in the University, and who was one of his converts, describes him as having fallen into so deep a melancholy, that his friends were fain to be with him day and night, fearing to leave him alone; and seeking to comfort him, who would not be comforted, not even by religion, for “ he thought the whole Scriptures were against him, and sounded to his condemnation.” In this state he continued nearly two years, till feeling that death was better than to live thus self-condemned, he overcame the weakness of his nature, and resolved, by a brave repentance, to expiate an offence for which he should otherwise never forgive himself; without communicating the purpose to his friends, he took leave of them one night in Trinity Hall, saying, he would go up to Jerusalem, and should see them no more. Immediately he departed into Norfolk, and there preached, not only secretly in houses among the reformed, but openly in the fields, confessing how he had fallen, and publicly declaring his repentance, and warning all men by his

example to beware how they denied the truth, for which it was their duty, if need were, to lay down their lives. It was not long before he was apprehended in Norwich, for giving an English New Testament to a recluse, or anchoress, in that city; and immediately Nix, the merciless bishop of that diocese, sent to London for a writ to burn him.

The sheriff, to whose custody he was delivered, happened to be one of his friends, and therefore treated him with every kindness which could be afforded during his imprisonment. The night before he was to suffer, some friends, who visited him, found him at supper eating heartily, and with a cheerful countenance; and one of them saying he was glad to see him refresh himself thus, so shortly before he was to undergo so painful a death, he replied, "I follow the example of those who, having a ruinous house to dwell in, hold it up by props as long as they may." Another observed, that his pains would be short, and the Spirit of God would support him in them, and reward him afterward with everlasting rest. Bilney, upon this, put his finger into the candle, which was burning before him, more than once. "I feel," said he, "by experience, and have long known by philosophy, that fire is naturally hot; yet, I am persuaded by God's holy word, and by the experience of some Saints of God therein recorded, that in the flame they may feel no heat, and in the fire no consumption. And I constantly believe, that, however the stubble of this my body shall be wasted by it, yet my soul and spirit shall be purged thereby—a pain for the time—whereon followeth joy unspeakable." And then he repeated the words of Scripture, "Fear not, for I have redeemed thee, and called thee by thy name; thou art mine own. When thou goest through the water I will be with thee, and the strong floods shall not overflow thee. When thou walkest in the fire, thou shalt not be consumed, and the flame shall not burn thee; for I am the Lord thy God, the holy One of Israel, thy Saviour!" This text he applied to himself, and to those who were present, some of whom, receiving the words as the legacy of a blessed martyr, had them fairly written in tables,

or in books, and derived comfort from them till their dying day.

On the following morning he was led to execution. One of his friends exhorting him at the prison-door with few and secret words, to take his death patiently and constantly, Bilney answered, "When the mariner is tossed upon the troubled sea, he beareth his perils better, in hope that he shall yet reach his harbour; so, whatever storms I shall feel, my ship will soon be in its quiet haven; thereof, I doubt not, by the grace of God—and I entreat you, help me with your prayers, to the same effect." The place of execution was a low valley, surrounded with rising ground, without the Bishop's Gate. It was chosen for these executions, that the people might see the spectacle from the ascent, as in an amphitheatre; and from the frequency of such spectacles, it was called the Lollards' Pit. There was a ledge upon the stake to raise the victim, that he might be the better seen; for the persecutors were desirous of displaying to the utmost these inhuman executions, not understanding that though many hearts would be hardened by such sights, and many intimidated, there were not a few also which would be strengthened and inflamed. Having put off the layman's gown, in which, after his degradation, he had been clad, he knelt upon the ledge, and prayed with deep and quiet devotion, ending with the 143d Psalm, in which he thrice repeated the verse, "Enter not into judgment with thy servant, O Lord, for in thy sight shall no man living be justified." He then put off his jacket and doublet, and remained in his hose and shirt, and was thus chained to the stake. Some friars came to him, and said the people imputed his death to them, and, for that reason, would withhold their alms; wherefore they entreated him to assure the spectators, that it was not their act. Bilney, upon this, said with a loud voice, "I pray you, good people, be never the worse to these men, for my sake, as though they were the authors of my death, it was not they." The dry reeds were then kindled; and in a few minutes Bilney, triumphing over death, rendered up his soul in the fulness of faith, and entered into his reward.

JAMES BAINHAM.

1533.

BILNEY's example, in all parts, was followed by James Bainham, of the Middle Temple, the son of a Gloucestershire knight. Having been flogged and racked, without effect, to make him accuse others of holding the same opinions as himself, the fear of death induced him to abjure, and bear a faggot. But a month had scarcely elapsed before he stood up in the face of the congregation in St. Austin's church, with the English Testament in his hand, and openly proclaiming that he had denied the truth, declared that, if he did not return to it, that book would condemn him at the day of judgment; and exhorted all who heard him, rather to suffer death, than fall as he had fallen, for all the world's good would not induce him again to feel such a hell as he had borne within him since the hour of his abjuration. He was accordingly brought to the stake in Smithfield; and there, to the astonishment of the spectators, when his extremities were half consumed, he cried aloud, "O ye papists, ye look for miracles, and behold a miracle; for in this fire I feel no pain;—it is to me as a bed of roses!"

The book which Bainham held up in the church, when he proclaimed his repentance, and his readiness to die for the truth, would alone have been sufficient to draw upon him inquiry and persecution. It was Tindal's translation. Dangerous as it was to possess the book, it was eagerly sought for; and of those persons who dispersed it, some were punished by penance and heavy fines; others, who preached and avowed its doctrines, by the flames. A brother of Tindal, with two others concerned in circulating these Testaments, were sentenced to pay the enormous fine of £18,840 and tennepence; and they were made to ride with their faces to the horse-tail, papers on their heads, and as many of the condemned books as they could carry, fastened to their clothes all around them,—to the standard in Cheapside, and there, with their own hands, throw the copies, which had been seized, into the fire.

JOHN FRITH.

1533.

Two men, of great note among the reformers, wrote in defence of Tindal and his opinions; Robert Barnes, the one, had been prior of the Augustines in Cambridge, but, after bearing a faggot, had escaped beyond sea. The other, John Frith, was one of the Cambridge-men whom Wolsey removed to the college which he had founded at Oxford, a proof in what estimation he was held for his abilities, conduct, and attainments. It was soon discovered that many of these persons inclined to the new doctrines; Frith among others: he had, in fact, become the disciple and friend of Tindal, during Tindal's abode at Cambridge. Some of them died in consequence of confinement in an unwholesome cellar; their death excited Wolsey's compassion, and he ordered the others to be released, on condition of their remaining within a certain distance of Oxford. Frith, however, fled to the Continent.

A paper of his, upon transubstantiation, written by the desire of one of his friends, having been treacherously delivered to Sir T. More, who, thereupon, used all means for discovering him, and finally succeeded, though he repeatedly changed his dress and his place of abode. To the arguments which More published against his treatise, Frith replied from prison, with great ability and great moderation; not shrinking from avowing his entire disbelief in a corporeal presence, but desiring only that men might be left to judge upon that point as God should open their hearts, no party condemning the other, but nourishing brotherly love, and each bearing with the other's infirmity.

When he was taken to Croydon, for examination, by two of the archbishop's people, the men were so won by his discourse, and so unwilling to lead him like a sheep to the slaughter, that they devised a plan for letting him escape, and proposed it to him. Upon his refusing with a smile, and saying that he was not afraid to deliver his opinion, they asked him, wherefore then he had been willing to fly before he was apprehended,

if now he did not think proper to save himself? He answered, "I would then fain have enjoyed my liberty, for the benefit of the church of God; but being now, by his Providence, delivered into the hands of the bishops, to give testimony to that doctrine which I am bound to maintain,—if I should now start aside, I should run from my God, and be worthy of a thousand hells. Bring me, therefore, I beseech you, where I was appointed to be brought; or else I will go thither alone." Being, at length, brought for final examination before Stokesley and Gardiner, the bishops of London and Winchester, both distinguished for the severity with which they enforced the persecuting laws,—he was by them condemned as a wicked and stiff-necked heretic, persisting with damnable obstinacy in his detestable opinions; for which they excommunicated him, and left him to the secular power.

One Andrew Hewet, a young tailor, who was taken up as a suspected person, and on his examination had declared, that he believed concerning the sacrament as Frith did; was told, that if he persisted in that opinion, he should be burnt with him. And, upon his expressing his resolution to follow Frith's example, he was sent to the same prison, and taken with him to Smithfield, where they were fastened to the same stake, back to back. The Romanists notice the simple sincerity of this young man with a sneer, and make no remark upon the execrable inhumanity of those who burnt him alive for it. When they were at the stake, a priest admonished the people in no wise to pray for them, no more than they would for a dog; words which excited indignation in the multitude, but moved Frith only to a compassionate smile, and a prayer that the Lord would forgive such persecutors.

Tindal did not long survive his friend. A villain, by name Henry Philips, who had been an English student at Louvain, by a long and most odious scheme of treachery, betrayed him into the hands of the Emperor's court at Brussels; and he was put to death at Vilvorde, by a more merciful martyrdom than would have been his lot in England, being strangled at the stake before he was burnt.

ELIZABETH BARTON.

THIS religious impostor, in the reign of Henry VIII., was a servant at Aldington in Kent, and had long been troubled with convulsions which distorted her limbs and countenance, and threw her body into the most violent agitations; and the effect of the disorder was such, that even after she recovered, she could counterfeit the same appearance. Masters, the minister of Aldington, with other ecclesiastics, thinking her a proper instrument for their purpose, persuaded her to pretend that what she said and did was by a supernatural impulse, and taught her to act her part in a manner well calculated to deceive the public.

Sometimes she counterfeited a trance; then coming to herself, after many strange contortions, would break out into pious ejaculations, hymns, and prayers, sometimes delivering herself in set speeches, sometimes in uncouth monkish rhymes. She pretended to be honoured with visions and revelations, to hear heavenly voices, and the most ravishing melody. She declaimed against the wickedness of the times, against heresy and innovations, exhorting the people to frequent the church, to hear masses, to use frequent confessions, and to pray to our lady and all the saints.

All this artful management, together with great exterior piety, virtue, and austerity of life, not only deceived the vulgar, but many far above the vulgar, such as Sir Thomas More, Bishop Fisher, and Archbishop Warham, the last of whom appointed commissioners to examine her. She was now instructed to say, in her counterfeit trances, that the Blessed Virgin had appeared to her, and assured her that she should never recover, till she went to visit her image, in a chapel dedicated to her in the parish of Aldington. Thither she accordingly repaired, processionally, and in pilgrimage, attended by above three thousand people, and many persons of quality of both sexes. There she fell into one of her trances, and uttered many things in honour of the saints and the popish religion; for herself, she said, that by the inspiration of God she was

called to be a nun, and that Dr. Bocking was to be her ghostly father. This Dr. Bocking was a canon of Christ-church, in Canterbury, and an associate in carrying on the imposture. In the meantime the archbishop was so satisfied with the reports made to him about her, as to order her to be put into the nunnery of St. Sepulchre, Canterbury, where she pretended to have frequent inspirations and visions, and also to work miracles for all such as would make a profitable vow to our lady at the chapel in the parish of Aldington. Her visions and revelations were also carefully collected and inserted in a book, by a monk called Deering.

The priests, her managers, having thus succeeded in the imposture, now proceeded to the great object of it; and Elizabeth Barton was directed publicly to announce, how God had revealed to her, that "in case the king should divorce queen Catherine of Arragon, and take another wife during her life, his royalty would not be of a month's duration, but he should die the death of a villain." Bishop Fisher, and others in the interest of the queen and of the Romish religion, hearing of this, held frequent meetings with the nun and

her accomplices, and at the same time seduced many persons from their allegiance, particularly the fathers and nuns of Sion, the Charter-house, and Sheen, and some of the observants of Richmond, Greenwich, and Canterbury. One Peto, preaching before the king at Greenwich, denounced heavy judgments upon him to his face, telling him that he had been deceived by many lying prophets, while himself, as a true Micaiah, warned him that the dogs should lick his blood, as they had licked the blood of Ahab. Henry bore this outrageous insult with a moderation not very usual with him: but, to undeceive the people, he appointed Dr. Curwin to preach before him the Sunday following, who justified the king's proceedings, and branded Peto with the epithets of "rebel, slanderer, dog, and traitor." Curwin however was interrupted by a friar, and called "a lying prophet, who sought to establish the succession to the crown by adultery;" and proceeded with such virulence, that the king was obliged to interpose, and command him to be silent; yet, though Peto and the

friar were afterwards summoned before the council, they were only reprimanded for their insolence.

Encouraged by this lenity of the government, the ecclesiastics in this conspiracy resolved to publish the revelations of the nun, in their sermons, throughout the kingdom. They had communicated them to the pope's ambassadors, to whom they also introduced the Maid of Kent; and they exhorted Queen Catherine to persist in her resolutions. At length this confederacy becoming politically serious, Henry ordered the maid and her accomplices to be examined in the star-chamber. Here they confessed all the particulars of the imposture, and afterwards appeared upon a scaffold erected at St. Paul's Cross, where the articles of their confession were publicly read in their hearing. Thence they were conveyed to the Tower, until the meeting of parliament, when the whole affair was pronounced a conspiracy against the king's life and crown. The nun, with her confederates, Bocking, Deering, &c. were attainted of high-treason, and executed at Tyburn, April 20, 1554; Elizabeth confessed the imposture, laying the blame on her accomplices, the priests, and craving pardon of God and the king.

JOHN NICHOLSON, OR LAMBERT,

FOR HERESY, BEFORE KING HENRY VIII. HIMSELF,
SITTING AS SUPREME JUDGE IN COURT, 1538.

JOHN LAMBERT was born and had his education in Norfolk, whence he was sent to the university of Cambridge, where, having made great proficiency in the Latin and Greek tongues, and in his other studies, the violence of the times forced him to go beyond sea, where he became a preacher and chaplain to the English house at Antwerp; but after one year, he was, through the accusation of one Barlow, prosecuted by Sir Thomas More for heresy, and brought from Antwerp to London.

He was examined at Lambeth, and afterwards at the bishop's house in Oxford, before Warham, archbishop

of Canterbury, and several articles were exhibited against him, and his answers given to them.

Stephen Gardiner, bishop of Winchester, much in the king's favour, and an enemy to all reformation in religion, craftily laid hold of this opportunity to represent to the king the suspicions which the people entertained of his religion, since he had abolished the authority of the pope, dissolved the monasteries and religious houses, and obtained a divorce from Queen Katherine : but that the affections and good opinion of the people might be recovered, if he would but in this single case of John Lambert personally oppose himself to heretics.

The king accordingly issued a general commission, requiring all the nobility and bishops of the realm to repair forthwith to London, to assist his majesty against heretics, upon whom he himself would sit in judgment. Preparations being made for this solemnity, a day was appointed for Lambert to appear before the king and the nobility. The prisoner was placed opposite the royal throne, on which the king sat in person, to be umpire of the controversy. He was attended by a strong guard, and clad in white, as an emblem of truth. On his right hand sat the bishops, and behind them the lawyers, clothed in purple ; on the left sat the peers of the realm, the judges, and other nobles, and behind them the gentlemen of the king's privy chamber. The manner and form of the court was awful, and more than sufficient to dash a mean man ; while the king's fierce and menacing looks, knit brows, and other indications of displeasure and prejudice against the poor prisoner, tended to augment the terror.

When the king took his seat, he fixed his eye upon Lambert, and then calling to Day, bishop of Chichester, commanded him to proclaim the reasons for such assembly and form of judicature. Day acquainted them,

“ That it was the King's will and pleasure, that all states and degrees of men, as well bishops as others, should be given to understand and admonished, that nobody should entertain an ill opinion of him, as if, now the authority of the bishop of Rome in this kingdom was utterly abolished, he would also destroy all religion, and so allow heretics to disturb and molest the church of England, of which he was the head, impunedly. That he would not have them imagine, that that extraordinary court was held in

order to enter upon any dispute about heretical positions and doctrines; but only to the end, that by his own and the other bishops' endeavours, the heresies of the prisoner, there present, and of all others like his, should be refuted and openly condemned, in the presence of them all."

The king then stood up, and leaning upon a cushion of white tissue, looked upon the prisoner, with bent brows, as though he designed great severities, and exclaimed, "Hoe, good fellow, what is thy name?" The good man kneeling in a very humble manner, said, "My name is John Nicholson, though several people call me Lambert."—"What," said the king, "have you two names? I would not trust a man that goes by two names, if he was my brother."

Then, said Lambert, "Most noble and most puissant prince, your bishops put me upon the necessity of charging my name:" then having said several other things by way of introduction, the king commanded him to come to the matter of fact, and fully declare his mind and judgment concerning the sacrament of the altar: upon which the prisoner said as follows:

"He gave God thanks, who had so inclined the king's royal heart, that he would not disdain to come in person to hear and determine the controversies on foot in matters of religion; seeing it had frequently happened, that many good and innocent persons, through the bishops' cruelty, had in several places been privately put to death and murdered, without his Majesty's knowledge: But now, since that great and eternal King of Kings, in whose power are the hearts of all princes, has so inspired your majesty, as to be willing to be present and hear the causes of your subjects, especially of seeing his divine goodness, he has so abundantly endued you with knowledge and judgment, I do not doubt but God Almighty will accomplish some things that is very signal and remarkable through your means, to the manifestation of the glory of his great name."

Here the haughty king interrupting him said, in latin, "I did not come hither to hear my own praises set forth before my face; I expect you will come directly, without circumlocution, to the matter of fact."

These words he spoke in latin, and in so rough and angry a manner as utterly overwhelmed the prisoner. For some time he could not speak at all.

In the mean time, the king, being very hasty and violent, cried out, "Why dost thou stand mute? Let us have thy answer concerning the sacrament of the

altar; and whether thou wilt own it to be the body of Christ, or deny it?" And thereupon the king lifted up his bonnet.

Lambert replied, "I answer with St. Augustine, that it is the body of Christ after a certain manner."

The king now exclaimed in latin. "Do not answer me out of St. Augustine, nor from any other authority, but tell me plainly whether you say it is the body of Christ or not?"

Lambert firmly answered, "Then I do deny it to be the body of Christ."

The king on this roared aloud, "Mind what is said, for thou shalt now be condemned by Christ's own words, *hoc est corpus meum*."

The king now commanded Cranmer, archbishop of Canterbury, to refute his assertions, and the archbishop having made a short preamble, began his disputation with Lambert, saying, "Brother Lambert, let this controversy be managed between us: If I from Scripture can demonstrate the falsity of your arguments, I expect you will be readily convinced of your error; but if by clear texts of Scripture you can make it good, I do promise you I will as readily embrace the same."

The argument made use of by Cranmer was grounded upon those words in the Acts of the Apostles, where Christ appeared to St. Paul by the way, from which text it was inferred, that the body of Christ might be in two places at once, for it being in heaven, it was at the same time seen by St. Paul on earth.

The trial having lasted five hours, and the prisoner being borne down by clamour, he remained at last quite silent, and night coming on, the king said to Lambert, "What sayest thou now, after all the toil thou hast taken upon thee, and all the arguments and instructions given by the learned on this occasion? Wilt thou live or die? What sayest thou? Thou hast got a free choice."

Lambert replied, "I yield, and wholly submit myself to your majesty's pleasure."

Then said the king, "Commit thyself into God's hands, and not mine."

"I do commit my soul into the hands of God,"

quoth Lambert, "but my body I do entirely yield and submit to your clemency."

Then the king retorted, "If you submit yourself to my judgment, you must die, for I will not be a patron of heretics."

The king thus took it upon himself to pass judgment upon the prisoner, though he left the formality of it to others, for turning to Cromwell, he said, "Cromwell, read the sentence of condemnation against him."

The substance of the sentence which Cromwell, at the king's command read, imported, "That all heretics should be burnt, who spoke or wrote any thing, or had any books by them, repugnant to the church doctrine and tradition concerning the sacrament of the altar : That it was ordered the same should be put up on church-doors, and read four times a year in every church in the kingdom, whereby the worshipping the bread should be more firmly fixed in the hearts of the people."

The day appointed for the martyrdom of the poor man being arrived, he was conducted out of prison to Lord Cromwell's house, where it was reported, his lordship desired him to forgive him for what he had done; and being taken into the hall, he breakfasted with the gentlemen without any signs of fear or dejection, and then being taken to the place of execution in Smithfield, they used him with excessive cruelty and barbarity : First, they burnt his legs to the stumps, and then his wretched tormentors having withdrawn part of the fire, there was not so much left as could consume his body, so that two of the officers stuck their halberds into him, as far as the chain would reach, upon which, lifting up his hands, and his finger-ends flaming with fire, and crying, "None but Christ, none but Christ," they let him fall from their halberds into the fire, and thus ended his life !

ANNE ASKEW.

THE father of this lady, Sir William Askew, of Kelsay, in Lincolnshire, had contracted his eldest

daughter to a rich heir, Kyme by name, in the same county. She died before the marriage was completed, and Sir William, unwilling to let slip an alliance which he deemed highly advantageous, compelled her sister Anne to marry him, strongly against her will. Some few years afterwards, her husband turned her out of doors, because, by diligent perusal of the Scriptures, she had become a Protestant: upon which she sought for a divorce, would on no conditions return to him again, and resumed her maiden name. A Papist, who laid in wait for her life, and watched her for that purpose, when he bore testimony against her, deposed that she was the devoutest woman he had ever known; for she began to pray always at midnight, and continued for some hours in that exercise. As long as it was possible, she evaded, with a woman's wit, the ensnaring questions which were proposed to her. One charge was, that she had said it was written in the Scriptures that God was not in temples made with hands: upon this she referred to the words of St. Stephen and St. Paul; and being asked, how she explained these words, she replied, with some scorn, that she would not throw pearls before swine—acorns were good enough.

For this time she was admitted to bail; but this was but the prelude to a dreadful tragedy. Being again apprehended, and brought before the council, she seems to have perceived that her fate was determined, and to have acted with a temper ready for the worst. When Gardiner called her a parrot, she told him she was ready to suffer, not only his rebukes, but all that should follow—yea, and gladly. He threatened her with burning. "I have searched all the Scriptures," she replied, "yet could I never find that either Christ or his Apostles put any creature to death." Upon a subsequent examination, at Guildhall, she answered openly to the deadly question, that, what they called their God was a piece of bread. "For proof thereof," said she, "make it when you list, let it but lie in the box three months, and it will be mouldy, and so turn to nothing that is good; wherefore I am persuaded that it cannot be God." They then condemned her to the flames. She wrote to the King, and to the Chancellor Wriothesley, requesting him to present her paper,

by which, she said, if it were truly conferred with the hard judgment cast upon her, his grace would perceive that she had been weighed in uneven balances. The paper to the king contained these words :

“ I, Anne Askew, of good memory, although God hath given me the bread of adversity and the water of trouble, yet not so much as my sins have deserved, desire this to be known unto your grace, that forasmuch as I am by the law condemned for an evil-doer, here I take Heaven and earth to record, that I shall die in my innocency. And, according to that I have said first, and will say last, I utterly abhor and detest all heresies. And, as concerning the Supper of the Lord, I believe so much as Christ hath said therein, which he confirmed with his most blessed blood. I believe so much as he willed me to follow, and so much as the Catholic Church of him doth teach : for I will not forsake the commandment of his holy lips. But look, what God hath charged me with his mouth, that have I shut up in my heart. And thus briefly I end for lack of learning.”

The lieutenant of the Tower, Sir Anthony Knevet, came to solicit pardon for having disobeyed the chancellor, by refusing to let his gaoler stretch this lady on the rack a second time, after she had endured it once, without accusing any person of partaking her opinions. It was concerning the ladies of the court that she was thus put to the torture, in the hope of implicating the queen ; and, when Knevet would do no more, the Chancellor Wriothesley, and Rich, who was a creature of Bonner's, racked her with their own hands, throwing off their gowns that they might perform their terrible office the better. She bore it without uttering cry or groan, though, immediately upon being loosed, she fainted. Henry readily forgave the lieutenant, and appeared displeased with his chancellor :—but he suffered his ministers to consummate their crime.

A scaffold was erected in front of St. Bartholomew's church, where Wriothesley, the duke of Norfolk, and others of the king's council, sat, with the lord-mayor, to witness the execution. Three others were to suffer with her for the same imagined offence ; one was a tailor, another a priest, and the third a Nottinghamshire gentleman of the Lascelles family, and of the king's household. The execution was delayed till the evening, that it might appear the more dreadful. Anne Askew was brought in a chair, for they had racked her till she was unable to stand ; she was then held up

against the stake by the chain which fastened her; but her constancy, and cheerful language of encouragement, wrought her companions in martyrdom to the same invincible fortitude and triumphant hope.

After a sermon had been preached, the King's pardon was offered to her, if she would recant; refusing even to look upon it, she made answer, that she came not there to deny her Lord! The others, in like manner, refused to purchase their lives at such a price.

JOHN HOOPER,

BISHOP OF GLOUCESTER,

FOR OPPOSING THE POPIISH RELIGION, FEBRUARY
9TH, 1555.

DOCTOR HOOPER was educated at Oxford; where making divinity his principal study, he discovered the flagrant errors in the church of Rome.

As soon as it was publicly known that he objected to many points of faith and practice, he was obliged to leave the University, and to repair to Germany; from thence he went and settled in Switzerland, where he remained till the death of Henry VIII.

On the accession of Edward VI. popery being abolished, he returned, with many others who had gone into voluntary exile. In England, his indefatigable zeal soon recommended him to the notice of the young king, who promoted him to the sees of Gloucester and Worcester.

As soon as Queen Mary succeeded to the crown, he was cited to London to answer the appeals of Dr. Heath, who had been deprived of the diocese, and of Dr. Bonner, whom he had accused to the late king of non-conformity to the laws then in force.

The bishop was warned by his friends to avoid the danger which threatened him on the accession of Queen Mary, and the revival of popish influence; but he calmly said, "*Once I did fly, but now I am called to*

this station, I am resolved to live and die with my sheep."

In a short time he was summoned before the bishop of Winchester, who deprived him of his bishopricks, and asked him divers questions relative to his being married, and the corporeal presence in the eucharist. When he asked him if he was married, he replied, he was; and would not be unmarried till death unmarried him.

Being asked on what authority he denied the corporeal presence; he answered, on the authority of God's word: and then quoted the words of St. Peter, Acts iii. 21.; "*Quem oportet cælum, &c.* Whom the Heavens must receive until the times of restitution of all things."

Having thus openly declared his principles, the bishop of Winchester commanded the notaries to write a memorandum, "That Hooper owned that he was married, and would not be separated from his wife; and that he denied the corporeal presence in the sacrament."

Gardiner then warned him, in the name of his brethren, to renounce the errors he had spread during the former reign, and to return submissively to obedience to the holy see, to an acknowledgment of the Pope's supremacy, and to unity with the holy Catholic church; promising him on those terms the favour of the queen, and benediction of his holiness, as well as restoration to his former function.

But neither this advice nor the promises availed with Hooper, whose faith was too well-grounded to recede from what he considered the truth as it was in the gospel; and, therefore, he openly declared, that as the pope taught doctrines contrary to the doctrine of Christ, he could not be deemed a member, much less the head, of the church of Christ; for which cause he would not acknowledge his ecclesiastical supremacy, nor assent to the tenets of that church of which he was deemed the head.

But he added, that if in any point, to him unknown, he had offended the queen's majesty, he humbly submitted himself to her mercy, if he might obtain mercy consistently with his conscientious regard to the displeasure of his God.

He was then assured, that the queen was determined to show no mercy to those who obstinately and presumptuously denied the pope's jurisdiction.

Being a third time summoned before Bishop Gardiner (who was likewise lord-chancellor) and the rest of the commissioners, and having, after many endeavours to reclaim him, firmly adhered to the principles and doctrines of the reformation, he was ordered to be degraded; delivered over to the secular power, conveyed to the prison of Newgate, and in the chapel of that prison degraded in the usual form by the bishop of London.

His enemies having determined that he should be executed at Gloucester, of which see he had been bishop, and where he had enforced doctrines repugnant to popery, he was conveyed thither under a party of the queen's guards, and lodged the first night after his arrival at an inn in that city.

Sir Anthony Kingston, one of his former friends, being appointed one of the commissioners to see him executed, came to visit him, and burst into tears on first seeing him.

On Sir Anthony's expressing the utmost concern at the circumstances of his friend, and the office that was allotted him, as well as persuading him to embrace the only means of saving his life, the bishop rebuked his friend, telling him that he was resolved, by the grace of God, never to recede from the great truths of the gospel, which he had delivered amongst those of that diocese and elsewhere; that he regarded neither death nor life when set in competition with his adherence to the truth of God's word; which he would maintain, nor should the combined powers of earth and hell warp him from his allegiance to the cause of his only master, Christ Jesus; desiring, at the same time, the prayers of his friend that he might continue steadfast unto the end, remembering these words, "Be ye faithful unto death, and I will give you a crown of life."

The same evening the queen's guard delivered him up to the sheriffs of Gloucester, and he was visited and kindly saluted by the mayor and corporation. He addressed them thus:—"Gentlemen, I hope you have not altogether forgotten what I have so repeatedly

taught you, I mean the great doctrines of the reformation. It is my earnest request that there may be an ardent fire to dispatch me, and that you would not be grieved above measure at my fate, though cruel, but rather rejoice that I am enabled to suffer in so good, so glorious a cause."

This said, he took his leave, retired to a chamber, went to bed, slept soundly for a time, and then arose better fitted for prayer and meditation; having desired to be private to the very hour of his summons.

The day appointed for the execution of the sentence was Saturday, February 9th, 1555, on which morning the commissioners (amongst whom was his particular friend Sir Anthony Kingston) sent him word to make preparation for the awful scene that approached.

He needed but little warning; therefore, in about an hour after the notice was sent, he was brought from the inn to the place appointed, which was opposite the College of Priests, where he used to deliver the doctrines for which he was there to suffer a painful death. He was dressed in a gown belonging to his host, had a hat upon his head, and a staff in his hand, being afflicted with sciatic pains, occasioned by an imprisonment of eighteen months.

A great concourse of people were assembled to see his melancholy exit, and tears fell from almost every eye. Observing this general concern, he said to the spectators:—"Alas! why are these people assembled? perhaps they think to hear something from me as they have in times past; but I am not permitted to speak, notwithstanding the cause of my death is well known unto them. Formerly, when I was appointed their pastor, I preached unto them doctrines founded on the pure and uncorrupted word of God; and now, because I will not recede from the same, and openly declare them false and heretical, I am sentenced to this kind of death."

He then kneeled down and prayed, during which time a box was brought, in which his pardon was said to have been inclosed, upon condition of his recantation; however, at the very sight of it, he cried, "If you love my soul, away with it."

Finding him thus resolute, Lord Chandois, one of the commissioners, gave orders for immediate dispatch, but he desired permission to finish his prayers. After a very submissive and resigned prayer, in which he supplicated the divine assistance at so critical a juncture as that of nature's dissolution, and by so trying a means, he arose, stripped himself to his shirt, and fixing a quantity of gun-powder, which was given him in a bladder by one of the guard, between his legs, and under each arm, he was fastened to the stake, desiring the people to say the Lord's Prayer with him.

Thus prepared for the shocking sentence, he cast his eye towards the crowd by whom he was easily seen, being a tall man, and mounted upon a stool; he had no sooner thus shewn himself, than a general lamentation ensued; on which, with eyes and hands uplifted, he again sought the divine succour in that hour of fiery trial.

He then gave the signal that he was ready, and on the executioner's asking him forgiveness, said, "Thou needest not forgiveness of me, against whom thou hast never offended." The man replied, with tears, "O! Sir, I am appointed to make the fire!"—"Therein," said Hooper, "thou dost not offend me. God forgive thee thy sins, and do thine office I pray thee."

When the reeds were brought, he embraced those instruments of death, placed one bundle under each arm, and gave directions concerning the disposal of the rest.

The sentence was then executed, but the faggots being green, it was some time before they kindled, so as to set fire to the reeds about him, which considerably protracted his pain and suffering; he was heard to pray in the extremity of his torments with great composure, "Oh, Jesus, thou Son of David, have mercy upon me, and receive my soul."

The wind being very high, his lower parts were consumed first, the fire having but little power above, in-somuch that they were obliged to kindle a new fire with faggots; which done, he wiped both his eyes with his hands, and exclaimed, as loud as he could, "For God's sake, good people, let me have more fire."

During this time his lower parts burnt, but for want of faggots, the fire was not strong enough to reach the upper parts and put a happy end to his torture. His request was complied with by the populace, and the fire at length reached the upper part of his body, when he was heard to say, with a loud voice, "Lord Jesu have mercy upon me, Lord Jesu have mercy upon me, Lord Jesus receive my spirit."

These are the last words he was heard to utter; though, when his tongue was so swelled that he could not speak, his lips were seen to move till they shrunk to the gums, and having beat upon his breast till one of his arms fell off, he continued to beat with the other, till he bowed forward, and, to the joy of the spectators, gave up the ghost.

Thus suffered this pious divine, and faithful servant of Christ, the extremity of agony in the fire for the space of almost an hour, without once repining at his lot; whose fortitude and constancy cannot be imputed to any thing but the support of Almighty aid; in order to fulfil that memorable promise, "As is thy day, so shall thy strength be also."

DOCTOR TAYLOR.

ROWLAND TAYLOR, D. D. and rector of Hadleigh, in Suffolk, from the year 1544 to 1554, suffered martyrdom on Aldham Common, adjacent to Hadleigh, on February 9th, 1555, for his opposition to the errors of popery, and his steady adherence to the doctrines of the reformation.

Of this great and pious character it is scarcely possible to speak in terms too laudatory. He was, in fact, the perfect model of a parish-priest, and literally went about doing good.

It was not to be expected, therefore, that when the bigoted Mary ascended the throne of these realms, a man so gifted, at the same time so popular, as was Dr. Taylor, should long escape the arm of persecution. Scarcely had this sanguinary queen commenced her

reign, when an attempt was made to celebrate Mass by force, in the parish-church of Hadleigh; and, in endeavouring to resist this profanation, which was planned and conducted by two of his parishioners, named Foster and Clerke, assisted by one Averth, rector of Aldham, whom they had hired for the purpose, Dr. Taylor became, of course, obnoxious to the ruling powers; an event foreseen, and no doubt calculated upon by the instigators of the mischief.

A citation to appear before Stephen Gardiner, bishop of Winchester, and then lord-chancellor of England, was, on the information of these wretches, the immediate result of the transaction. And, though the friends and relatives of the Doctor earnestly advised his non-compliance, and recommended him instantly to fly, he resisted their solicitations, observing, that though he fully expected imprisonment, and a cruel death, he was determined, in a cause so good and righteous, not to shrink from his duty. "Oh! what will ye have me to do?" he exclaimed; "I am old, and have already lived too long to see these terrible and most wicked days. Fly you, and do as your conscience leadeth you; I am fully determined, with God's grace, to go to the bishop, and to his beard to tell him that he doth naught."

Accordingly, tearing himself from his weeping friends and flock, and accompanied by one faithful servant, he hastened to London, where, after enduring, with the utmost patience and magnanimity, the virulence and abuse of Gardiner, and replying to all his accusations with a firmness and self-possession, and with a truth of reasoning which, unfortunately, served but to increase the malice of his enemies, he was committed a prisoner to the King's Bench, and endured a confinement there of nearly two years.

During this long period, however, which was chiefly occupied by Dr. Taylor in the study of the Holy Scriptures, and in preaching to, and exhorting his fellow-prisoners, he had three further conferences with his persecutors. The second, which was held in the arches at Bow-church, a few weeks after his commitment, ter-

minated in his being deprived of his benefice, as a married man. The third, which did not take place until January the 22d, 1555, and was carried on, not only with the bishop of Winchester, but with other episcopal commissioners, ended, after a long debate, in which the piety, erudition, sound sense, and christian forbearance of the sufferer was pre-eminently conspicuous, in his re-commitment to prison, under a threat of having judgment passed upon him within a week.

This judgment was accordingly pronounced at a fourth conference on the 28th of the same month, the bishops of Winchester, Norwich, London, Salisbury, and Durham being present; when, on the Doctor again declining to submit himself to the Roman Pontiff, he was condemned to death, and the day following removed to the Poultry Compter. Here, on the 4th of February, he was visited by Bonner, bishop of London, who, attended by his chaplain and the necessary officers, came to degrade him. Refusing, however, to comply with this ceremony, which consisted in his putting on the vestures, or mass garments, he was compelled to submit by force; and when the bishop, as usual, closed this disgusting mummery with his curse, Taylor nobly replied, "Though you do curse me, yet God doth bless me. I have the witness of my conscience, that ye have done me wrong and violence; and yet I pray God, if it be his will, forgive you."

On the morning of the 5th of February, 1555, at the early hour of two o'clock, the sheriff of London, arriving at the Compter, demanded the person of Dr. Taylor, in order that he might commence his pilgrimage towards Hadleigh, the destined place of his martyrdom. It was very dark, and they led him without lights, though not unobserved, to an inn near Aldgate. His wife,—(and we shall here adopt the language of John Fox, which in this place, as in many others, is remarkable for its pathos and simplicity,)—"His wife, suspecting that her husband should that night be carried away, watched all night in St. Botolph's church-porch, beside Aldgate, having with her two children, the one named Elizabeth, of thirteen years of

age, whom, being left without father or mother, Dr. Taylor had brought up of alms, from three years old; the other named Mary, Dr. Taylor's own daughter.

"Now when the sheriff and his company came against St. Botolph's church, Elizabeth cried, saying, 'O my dear father; mother, mother, here is my father led away.' Then cried his wife, 'Rowland, Rowland, where art thou?' for it was a very dark morning, that the one could not see the other. Dr. Taylor answered, 'Dear wife, I am here,' and stayed. The sheriff's men would have led him forth; but the sheriff said, 'stay a little, masters, I pray you, and let him speak to his wife,' and so they stayed.

"Then came she to him, and he took his daughter Mary in his arms; and he, his wife, and Elizabeth kneeled down, and said the Lord's Prayer. At which sight the sheriff wept apace, and so did divers others of the company. After they had prayed, he rose up and kissed his wife, and shook her by the hand, and said, 'Farewell, my dear wife, be of good comfort, for I am quiet in my conscience. God shall stir up a father for my children.' And then he kissed his daughter Mary, and said, 'God bless thee, and make thee his servant:' and kissing Elizabeth, he said, 'God bless thee. I pray you all stand strong and stedfast unto Christ and his word, and keep you from idolatry.' Then said his wife, 'God be with thee, dear Rowland; I will, with God's grace, meet thee at Hadleigh.'"

At eleven o'clock the same morning, Dr. Taylor left Aldgate, accompanied by the sheriff of Essex, and four yeomen of the guard, and after once more taking an affectionate leave of his son and servant, who met him at the gates of the inn, he proceeded to Brentwood, where, in order to prevent his being recognized, they compelled him to wear a mask or close hood, having apertures for the eyes and mouth. Nothing, however, could depress the spirits or abate the fortitude of this intrepid sufferer in the cause of truth; for not only was he patient and resigned, but, at the same time, happy and cheerful, as if a banquet or a bridal, and not a stake, were to be the termination of his journey.

When within two miles of Hadleigh, appearing more

than commonly cheerful, the sheriff was induced to inquire the cause. "I am now," replied the Doctor, "almost at home. I lack not past two stiles to go over, and I am even at my father's house." He then demanded if they should go through Hadleigh; and being answered in the affirmative, he returned thanks to God, exclaiming, "Then shall I once more, ere I die, see my flock, whom thou, Lord, knowest I have most dearly loved, and truly taught."

At the foot of the bridge leading into the town, there waited for him a poor man with five small children, who when they saw the Doctor, fell down upon their knees, the man crying with a loud voice, "O dear father and good shepherd, Dr. Taylor, God help and succour thee, as thou hast many a time succoured me and my poor children." The whole town, indeed, seemed to feel and deplore its loss in a similar manner, the streets being crowded with men, women, and children, who, when they beheld their beloved pastor led to death, burst into a flood of tears, calling to each other, and saying, "There goeth our good shepherd from us, that so faithfully hath taught us, so fatherly hath cared for us, and so godly hath governed us! Oh! merciful God, strengthen him and comfort him;" whilst ever in reply, the blessed sufferer, deeply touched by the sorrows of his flock, kept exclaiming,—“I have preached to you God's word and truth, and am come this day to seal it with my blood.” Such, in fact, was the sympathy, such the lamentation expressed by all ranks for his approaching fate, that the sheriff and his attendants were, as Fox declares, "wonderfully astonished," and though active in threatening and rebuking, they found it utterly impossible to suppress the emotions of the people.

The Doctor was now about to address the agitated spectators, when one of the yeomen of the guard thrust his staff into his mouth; and the sheriff, on being appealed to, bade him remember his promise, alluding, as is conjectured, to a pledge extorted from him by the council, under the penalty of having his tongue cut out, that he would not address the people at his death. "Well," said the Doctor, with his wonted patience and resignation, "the promise must be kept;" and then,

sitting down, he called to one Soyce, whom he had seen in the crowd, and requested him to pull off his boots : adding, with an air of pleasantry, “ thou hast long looked for them, and thou shalt now take them for thy labour.”

He then rose up, stripped off his clothes unto his shirt, and gave them to the poor ; when, trusting that a few farewell words to his flock might be tolerated, he said with a loud voice, “ Good people, I have taught you nothing but God’s holy word, and those lessons that I have taken out of God’s blessed book, the Holy Bible ; and I am come hither this day to seal it with my blood.”

When he had finished his devotions, he went to the stake, kissed it, and placing himself in the pitch-barrel which had been prepared for him, he stood upright therein, with his back against the stake, his hands folded together, his eyes lifted to heaven, and his mind absorbed in continual prayer.

They now bound him with chains, and the sheriff calling to one Richard Doningham, a butcher, ordered him to set up the faggots ; but he declined it, alleging that he was lame, and unable to lift a faggot ; and, though threatened with imprisonment, if he continued to hesitate, he steadily and fearlessly refused to comply.

The sheriff was, therefore, obliged to look elsewhere, and at length pitched upon four men, perhaps better calculated than any other for the office they were destined to perform ; viz. one Mullein, of Kersey, a man, says Fox, fit to be a hangman ;—Soyce, whom we have formerly mentioned, and who was notorious as a drunkard ; —Warwick, who had been deprived of one of his ears for sedition ; and Robert King, a man of loose character, and who had come hither with a quantity of gunpowder, which, whether it were intended to shorten or increase the torments of the sufferer, can alone be known to Him, from whom no secrets are concealed.

While these men were diligently, and, it is to be apprehended, cheerfully employed in piling up their wood, Warwick wantonly and cruelly threw a faggot at the doctor, which struck him on the head, and likewise cut his face, so that the blood ran copiously down ;

—an act of savage ferocity which merely drew from their victim this mild reproach; “Oh, friend, I have harm enough, what need of that.” Nor were these diabolical insults confined to those among them of the lowest rank; for when this blessed martyr was saying the psalm *Miserere* in English, Sir John Shelton, who was standing by, struck him on the lips, exclaiming at the same time, “Ye knave, speak Latin, or I will make thee.”

They, at length, set fire to the faggots; when Dr. Taylor, holding up both his hands, called upon his God, and said, “Merciful Father of Heaven, for Jesus Christ my Saviour’s sake, receive my soul into thy hands.” In this attitude he continued, without either crying or moving, until Soyce striking him forcibly on the head with his halbert, his brains fell out, and the corpse dropped down into the fire.

Thus perished, midway in the race of piety and utility, all that was mortal of one of the best and most strenuous defenders of the Protestant Church of England; a man who, in all the relations of life, and in all the vicissitudes of the most turbulent periods, in the hour of adversity as in that of prosperity, practised what he preached.

JOHN BRADFORD.

JOHN BRADFORD was a native of Manchester, who had been in the service of Sir John Harrington, and by him employed in places of trust and profit. While in that service he was prevailed upon once to pass a false account. He was struck with compunction for this, upon hearing one of Latimer’s searching sermons, and forthwith made full restitution, parting with his little patrimony for that purpose. He had given up fair prospects of worldly fortune, that he might become a preacher of the gospel: and having graduated at Cambridge, was ordained by Ridley, licensed to preach, and promoted to a prebend in St. Paul’s. When, at the commencement of Queen Mary’s reign, a dagger was

thrown at the preacher in St. Paul's, Bradford was standing behind him in the pulpit; and the preacher, seeing his life threatened, and actually in danger, entreated him, as a man whose opinions were acceptable to the people, to come forward and protect him. Bradford, accordingly, addressed the turbulent congregation, quieted them for a time, and, not without some exertion, and the aid of the mayor and sheriffs, lodged the preacher safely in the nearest house. Within three days he was committed to prison, charged with sedition, because of the influence which he had exercised over the populace.

After a year and half's imprisonment, he was brought up before the council: Bourne, whose life he had saved, and who had, meantime, been made bishop of Bath, being one. Bourne, himself, was vile enough to aggravate the charges against him, saying, he had done more harm by letters, during his imprisonment, than ever he did by preaching, when he was at large.

Great efforts were made to induce him to submit himself, and be reconciled to the Romish church. They brought, at different times, their most practised disputants, the bishop of Chichester, and the archbishop of York among others, and Philip's confessor, F. Alonso de Castro. Bradford was assisted, in conciliating these disputants, by Taylor, Philpot, and Bishop Farrer, and by the imprisoned prelates at Oxford, whom they requested to take cognizance of the matter, and remedy it. But the most effectual argument was, an appeal to their common danger, and their common cause. "Let us take up our cross together," said Philpot, "and go to the Mount of Calvary."

At length, the keeper's wife, with great emotion, told him, she was come to bring him heavy news,—they were preparing his chain, and on the morrow he must be burnt. Bradford, upon that, put off his cap, and lifting up his eyes, thanked God. "I have looked for this a long time," said he, "and therefore it cometh not now to me suddenly, but as a thing waited for every day and hour: the Lord make me worthy thereof." He retired into his chamber, and prayed awhile in secret; and when night came, drest himself in a shirt,

which had been made by a faithful friend, for his burning. About midnight, they removed him from the Counter to Newgate, thinking that, at that hour, there would be none stirring abroad; but the news had been divulged, and multitudes waited for him on the way, to give and receive the last farewell and the last blessing. The report was, that the execution was to take place at four in the morning,—and, at that early hour, Smithfield was crowded with people; but it was not till nine that he was brought out from Newgate, and with him an apprentice, John Leaf by name, who was to be his stake-fellow,—a word which this dreadful state of things had brought into common use. The lad (for he was only in his twentieth year,) could neither write nor read, and was condemned to this inhuman death for holding the faith in which he had been brought up, that material bread remained in the sacrament, and that confession to a priest was not necessary to salvation. Two papers had been presented to him in prison, one containing a recantation, the other a confession of his opinions, that he might chuse between life and death, by setting his hand to the one. The recantation was read to him first; he desired then to hear the other, and when he had heard it, pricked his hand, and sprinkled the blood upon the paper, bidding them carry the bill to the bishop, and shew him that he had sealed it with his blood already. A spirit like this needed no example to encourage it. The elder martyr comforted him, and exhorted the people to repentance; for which Woodroff, the sheriff, as much noted for brutality, as Chester, his colleague, was for gentleness, ordered his hands to be tied; the wretch had, just before, struck Bradford's brother-in-law on the head so violently, that the blood ran about his shoulders. Bradford appeared as superior to pain as he had been to fear. "He endured the flame as a fresh gale of wind in a hot summer's day? and his last audible words were,—
"Strait is the way, and narrow is the gate that leadeth to salvation, and few there be that find it:"—words uttered with the feeling of one who had trod in that way, and was then even on the threshold of his heavenly home.

DR. ROBERT FARRAR,

BISHOP OF ST. DAVID'S,

FOR ADHERING TO THE REFORMED BELIGION.
1555.

THIS learned prelate having in the former reign, as well as since the accession of Mary, been remarkably zealous in promoting the reformed doctrines, and exploding the errors of Popery, was summoned, among others, before the bishop of Winchester and other commissioners.

After some previous harangue, the bishop formally told him, that the queen and parliament had restored religion to the state in which it was at the beginning of the reign of Henry VIII.; that he was in the queen's debt, but her majesty would cancel the same, and readmit him to her favour, if he would return to the holy Catholic church.

Dr. Farrar answered, that with respect to the debt, he submitted it to the lord-treasurer, but that his lordship might well remember, that, upon two former occasions, he had solemnly sworn never to acknowledge the papal jurisdiction over the realm of England, and, therefore, it was needless to rehearse what he had already so peremptorily declared.

After a long debate, Gardiner demanded if he would recant and acknowledge the Papal supremacy, and Farrar expressed a degree of contempt, that his lordship should even think he would recede from an oath he had made to God; to the kings Henry VIII. and Edward VI. and in that to the queen's majesty; an oath he could not break consistently with his duty to God, and his regard to the interest of the reformed religion in his native country.

This spirited behaviour so highly incensed Gardiner, that, according to his custom, he treated him with scurrility, called him froward knave, and said he should know his fate in a week's time. Farrar coolly told him, he would ever readily obey his summons, but would

never retreat from what he had solemnly sworn, at the instigation and example of his lordship.

On his dismissal from the chancellor's presence he was carried to prison, and there confined till he was sent into Wales, there to receive his sentence of condemnation. When he arrived at Carmarthen, he was delivered to the sheriff of the county, who presented him before Henry Morgan, then bishop of St. David's, and Constantine, the public notary, by whom he was committed to the custody of the keeper of Carmarthen gaol.

Bishop Morgan then, after the example of Bonner, sent for Dr. Farrar, exhorted him to recant, and on such terms assured him of the queen's clemency, as well as his preferment to an office of dignity in the church.

But Farrar would listen to no terms that proposed a recantation of that to which he had sworn; the bishop therefore administered to him these two articles.

"1. Whether he believed the marriage of priests allowed by the laws of the holy church?

"2. Whether he believed, that in the blessed sacrament of the altar, after the words of consecration duly pronounced by the priest, the very body and blood of Christ is really and substantially contained, without the substance of bread and wine?"

Dr. Farrar refused to answer, till the bishop produced the commission authorizing him to exact the same, and was therefore remanded back to prison. At length, after various disputes with the bishop, he appealed from him, as an incompetent judge, to Cardinal Pole; notwithstanding which, sentence was pronounced against him as a heretic, and he was delivered up to the secular power, having been previously degraded by Morgan; and, on the eve of Passion-Sunday, in 1555, he was executed in the market-place of Carmarthen, amidst a crowd of spectators.

The son of a man of distinction visiting him a few days before his execution, and lamenting the cruel fate that awaited him, the doctor told him, that if he saw him once stir in the pains of burning, he should then give no credit to his doctrine, but look upon it as the effects of enthusiasm. His resolution fulfilled his pro-

mise, and greatly surprised his friend, who came to condole his fate: for he stood motionless, in the midst of the flames, holding both his hands till they were burnt to the stumps, till one of the attendants dashed him on the head with a staff, and thus put an end to his sufferings.

NICHOLAS RIDLEY,
BISHOP OF LONDON,
AND HUGH LATIMER,
BISHOP OF WORCESTER,

FOR OPPOSING THE TENETS OF POPERY, OCT. 1555.

THE former of these eminent prelates received the early part of his education at Newcastle-upon-Tyne, from whence he was removed to the university of Cambridge, where his learning and abilities soon advanced him to the mastership of Pembroke-hall. When he quitted the university, he travelled into various parts of Europe, and, on his return, was made chaplain to Henry VIII. and bishop of Rochester, from which he was translated to the see of London by Edward VI.

In private life he was pious, humane, and affable; in public he was learned, sound, and eloquent; diligent in his duty, and very popular as a preacher. He was converted to the reformed religion by means of reading Bertram's book on the sacrament, and confirmed in the same by frequent conferences with Cranmer and Peter Martyr, insomuch that he became a zealous promoter of the reformed doctrines and discipline, during the reign of Edward VI.

But on the accession of Mary, Bishop Ridley shared the fate of others, was removed from his bishoprick, sent prisoner first to the Tower of London, and afterwards to Bocardo prison, in Oxford.

Dr. Hugh Latimer was also of Cambridge, where he pursued the study of school-divinity, for which he was

remarkably eminent, and much honoured by his fellow-collegians. He was a zealous assertor of the Popish faith, till he became acquainted with Mr. Bilney, when he applied himself diligently to the study of the Bible, and, comparing the tenets and practices of popery with the same, at last rejected them as unscriptural. His opposition to the mother-church raised him many enemies; and amongst others was Dr. West, bishop of Ely, who forbid him to preach in any of the churches in Cambridge, upon pain of displeasure, and censure of the ecclesiastical-court: however, he found some friends, and obtained the living of West-Kingston, in the diocese of Sarum, where he continued some time, and was remarkably successful.

In progress of time he was sent for to London, and there accused before Dr. Wareham, archbishop of Canterbury, with speaking against the worship of the Virgin Mary. He was detained in London, and frequently examined before several bishops; but he evaded all their endeavours, till having acquired the favour of Henry VIII. he was preferred to the bishoprick of Worcester, which he held several years; but, at the time of putting forth the six articles, he resigned it and lived privately.

On account of his non-conformity to those articles, some of which he thought savoured of Popery, he was, at length, apprehended and committed prisoner to the Tower, where he continued till the reign of Edward VI. by whom he was set at liberty, though never advanced to any dignity in the church, more than as an ordinary preacher.

Mary, however, had no sooner ascended the throne, than Mr. Latimer was sent for, committed prisoner to the Tower, and afterwards conveyed to Oxford,

On the last day of September, 1555, Ridley and Latimer were cited to appear before the divinity-school at Oxford. Dr. Ridley was first examined, and severely reprimanded by the bishop of Lincoln, because, when he heard the cardinal's grace and the pope's holiness mentioned in the commission, he put on his cap; the words of the bishop were to this effect: "Mr. Ridley,

if you will not be uncovered, in respect to the pope and the cardinal his legate, by whose authority we sit in commission, your cap shall be taken off." The bishop of Lincoln then made a formal harangue, in which he intreated Ridley to return to the holy mother-church, insisted on the antiquity and authority of the see of Rome, and of the pope as the immediate successor of St. Peter. Dr. Ridley, in return, strenuously opposed the arguments of the bishop, and boldly vindicated the doctrines of the reformation.

After much debate, the five following articles were proposed to him, and his immediate and explicit answer required.

"1. That he had frequently affirmed, and openly maintained and defended, that the true natural body of Christ, after consecration of the priest, is not really present in the sacrament of the altar.

"2. That he had often publicly affirmed, and defended, that in the sacrament of the altar remaineth still the substance of bread and wine.

"3. That he had often openly affirmed, and obstinately maintained, that in the mass is no propitiatory sacrifice for the quick and the dead.

"4. That the aforesaid assertions have been solemnly condemned by the scholastical censure of this school, as heretical, and contrary to the Catholic faith, by the worshipful prolocutor of the convocation house, and sundry learned men of both universities.

"5. That all and singular the premises are true, and notoriously known, by all near at hand, and in distant places."

Ridley to the first replied, that he believed Christ's body to be in the sacrament, really by grace and spirit effectually, but not so as to include a lively and moveable body under the forms of bread and wine.

To the second he answered in the affirmative,

Part of the fourth he acknowledged, and part he denied.

To the fifth he answered, that the premises were so far true, as his replies hath set forth. Whether all men spake evil of them, he knew not, because he came not so much abroad as to hear what every man reported.

He was then ordered to appear the following day in St. Mary's church in Oxford, to give his final answer, and committed to the custody of the mayor.

When Latimer was brought into court, the bishop of Lincoln warmly exhorted him to return to the unity of the church, from which he had revolted. The same articles which were proposed to Dr. Ridley, were read to Latimer, and he was required to give a full and satisfactory answer to each of them.

His replies not appearing satisfactory to the court, he was dismissed, and ordered to appear in St. Mary's church, at the same time with Dr. Ridley.

According to order, the commissioners met at the place appointed, and Dr. Ridley being first brought before them, the bishop of Lincoln stood up, and began to repeat the proceedings of the former meeting, assuring the accused that he had full liberty to make what alterations he pleased in his answers to the articles prepared to him, and to deliver the same to the court in writing.

After some debate, Dr. Ridley pulled out a paper, and began to read, but the bishop interrupted him, and ordered the beadle to take the writing from him. The doctor desired permission to read on, declaring the contents were only his answers to the articles proposed; but the bishop, and others, having privately perused it, would not permit it to be read in open court.

The bishop of Gloucester, affecting much concern for Dr. Ridley, persuaded him not to indulge an obstinate temper, but recant his erroneous opinions, and return to the unity of the holy Catholic church. But Ridley coolly replied, that he was not vain of his own understanding, but was fully persuaded, that the religion he professed was founded on God's most holy and infallible church; and therefore he could not abandon or deny the same, consistently with his regard for the honour of God and the salvation of his immortal soul. He desired to declare his reasons, wherefore he could not, with a safe conscience, admit of the Popish supremacy, but his request was denied.

The bishop finding him inflexible in the faith, according to the doctrine of the reformation, thus addressed him: "Dr. Ridley, it is with the utmost concern that I observe your stubbornness and obstinacy, in per-

sisting in damnable errors and heresies, but unless you recant, I must proceed to the other part of my commission, though very much against my will and desire."

No reply being made, sentence of condemnation was read, and he was carried back again to prison.

When Mr. Latimer was brought before the court, the bishop of Lincoln informed him, that though they had already taken his answers to certain articles alleged against him, yet they had given him time to consider on the same, and would permit him to make what alterations he should deem fit, hoping by that means to reclaim him from his errors, and bring him over to the faith of the holy Catholic church.

The articles were again read to him, but Latimer deviated not a single point from the answer he had already made.

Being again warned to recant and revoke his errors, he refused, declaring that he never would deny God's truth, which he was ready to seal with his blood; when sentence of condemnation was pronounced against him.

Soon after Dr. Ridley was solemnly degraded by the bishop of Gloucester, and the vice-chancellor of Oxford, and both were delivered over to the secular power for execution.

The fatal day was October 16, 1555, and the place appointed, Townditch, behind Baliol college. Dr. Ridley came to the stake in his ecclesiastical habit, which he wore when a bishop, and Mr. Latimer in a humble plain lay-dress. They embraced each other on the melancholy occasion, and Dr. Ridley encouraged his fellow-labourer and fellow-sufferer to be of good cheer, assuring him, that God would either assuage the fury of the flame, or enable them to endure it.

They then kneeled down, and, with great earnestness, entreated assistance from Almighty God, to sustain the fiery trial that awaited them. When they arose from prayer, one of the Popish priests, in an occasional sermon, upbraided them with heresy and departure from the church of Christ. Dr. Ridley was desirous of vindicating himself from the aspersion of the priest, but was denied that liberty, and commanded to prepare

immediately for the fire, unless he would recant and abjure his heretical opinions: without hesitation, therefore, he took off his cloaths, distributed them among the populace, and, together with Latimer, was chained to the stake.

Latimer soon expired, crying, "O, Father of Heaven, receive my soul:" but Ridley, by reason of the fire burning low, and not flaming about his body, endured the most exquisite torture, leaping in the fire, and begging, for Christ's sake, that the flames might surround him; till, at length, some of the spectators having taken off part of the faggots, the fire had vent, and the bag of gunpowder, that was tied about his neck, exploded; after which he was not seen to move, but fell down at the feet of his fellow-sufferer.

*The following are the items of disbursement for burning of
Ridley and Latimer.*

	<i>s.</i>	<i>d.</i>
For three loads of wood-faggots to burn Ridley and Latimer	12	0
Item, one load of fir-faggots	-	3 4
For the carriage of these four loads	-	2 0
Item, a post	-	1 4
Item, two chairs	-	3 4
Item, two staples	-	0 6
Item, four labourers	-	2 8

THOMAS CRANMER,

ARCHBISHOP OF CANTERBURY,

FOR SUPPORTING THE REFORMED RELIGION,
MARCH, 1556.

THIS eminent prelate was descended from an ancient and honourable family, in Nottinghamshire, 1485. His mother sent him, at the age of fourteen, to Cambridge, where he made so rapid a progress in literature, that he was elected, as early as possible, a fellow of Jesus College.

In 1523, he commenced doctor of divinity, being then in the thirty-eighth year of his age, and acquired great reputation for theological learning, insomuch, that he was elected reader of the divinity-lecture in his own college, and appointed, by the university, examiner of those who took their degrees in divinity.

During his residence at Cambridge, the debate arose concerning the legality of king Henry's divorce; but the plague breaking out in that university, he retired to Waltham-Abbey, where casually meeting with Gardiner and Fox, the former being the king's almoner, and the latter his secretary, he conferred with them concerning the divorce, and commended the expedient suggested to the king by cardinal Wolsey, of consulting the divines of our own and foreign universities, which he thought would bring the matter to a short issue.

This opinion of Dr. Cranmer was related by Fox and Gardiner to the king, who immediately sent for him to court, and, admiring his gravity, modesty, and learning, he appointed him one of his chaplains, gave him a good benefice, and nominated him to the archdeaconry of Taunton.

At the king's command he drew up his own judgment of the case in writing, and so learnedly defended it in the public-school at Cambridge, that he brought many of the opposite party to his opinion.

In the year 1530, Dr. Cranmer was sent by the king to dispute on this subject at Paris, Rome, and other places. At Rome he delivered his book to the pope, and offered to justify it in a public disputation, but, after many promises and appointments, none appeared to oppose him publicly, and, in more private conferences, he forced them to confess that the marriage was contrary to the law of God.

The pope constituted him penitentiary-general of England, and then dismissed him.

In August, 1532, Archbishop Warham died, and the king thinking Dr. Cranmer the most proper person to succeed him in the see of Canterbury, wrote to him to hasten home, concealing the reason; and the pope, notwithstanding Cranmer was a man by no means attached

to the see of Rome, dispatched eleven bulls to confirm him in his dignified situation.

He was consecrated March 30, 1533; but because, in the oath of fidelity to the pope, which he was obliged to take before his consecration, there were some things seemingly inconsistent with his allegiance to the king, he made a public protestation, that he intended not to take the oath in any other sense, than that which was reconcileable to the laws of God, the king's just prerogative, and the statutes of this kingdom, so as not to bind himself thereby to act contrary to any of these.

This protestation he renewed, when he was to take another oath to the pope, at his receiving the pall, and both times he desired a prothonotary to make a public instrument of his protestation, and the persons present to sign it.

This first public office in which the archbishop was concerned, was pronouncing the sentence of the king's divorce from queen Catherine, which was done May the 23d, Gardiner, bishop of Winchester, and the bishops of London, Bath, and Lincoln being in commission with him.

On the 21st of May he held a court at Lambeth, in which he confirmed the king's marriage with Ann Boleyn. The pope, alarmed at these proceedings, by a public instrument declared the divorce null and void, and threatened to excommunicate the archbishop, unless he would revoke all that he had done; whereupon the archbishop appealed from the pope to the general council, lawfully called, and sent the appeal under his seal to Bonner, desiring him and Gardiner to acquaint the pope with it, in such manner as they should think most expedient.

On the 7th. of September, the new queen was delivered of a daughter, and baptized a few days after, by the name of Elizabeth, Archbishop Cranmer standing godfather.

When the supremacy came under debate, and the usurped power of the bishop of Rome was called in question, the archbishop answered all the arguments brought in defence of the papal power with such strength and

perspicuity, and solidly confuted its advocates from the word of God, and the universal consent of the primitive church, that the papal power was, without scruple, abolished by full consent of parliament and convocation.

When queen Anne Boleyn was sent to the Tower, on a sudden jealousy of the king, the archbishop was greatly concerned for her misfortune, and used his utmost exertions to assist her in her distress. He wrote a letter to the king, in which, after having recommended to him an equality of temper, and resignation to the divine will, he endeavoured to persuade his majesty to clemency and good humour, and most earnestly implored, that however unfortunate the issue of this affair might prove, he would still continue his regard to the revealed word of God, lest the enemies of the gospel should give out that it was for her sake alone that he had favoured it. But neither the letter of the archbishop, nor a very moving one written by the unfortunate lady, made the least impression upon the king, who persisted in his cruel resolution, and she was executed in the Tower, May 19, 1536.

The following year the archbishop, with the joint authority of the bishops, set forth that valuable book, intituled, "*The Institution of a Christian Man.*" This book was composed in convocation, and drawn up for a direction to bishops and clergy. It contained an explication of the Creed, the Lord's Prayer, the Ave-Maria, Justification, and Purgatory.

This worthy prelate, from the day of his promotion to the see of Canterbury, had continually employed his thoughts on getting the Holy Scriptures translated into English: he had often solicited his majesty about it, and, at length, obtained a grant that they might be translated and printed. For want of good paper in England, the copy was sent to Paris, and, by means of Bishop Bonnor, a licence was procured for printing it there. As soon as some of the copies came to the archbishop's hands, he sent one to the Lord Cromwell, desiring him to present it, in his name, to the king, importuning him to intercede with his majesty, that, by his authority, all his subjects might have the liberty of using it without constraint, which his lordship

accordingly did, and the king readily complied with his request.

But the archbishop was not yet convinced of the falsity and absurdity of the doctrine of the corporeal presence in the sacrament of the altar, as appears from his being unhappily concerned in the prosecution of Lambert, who was atrociously burnt for denying transubstantiation.

In 1539, Cranmer, and other prelates, who favoured the reformation, fell under the king's displeasure, because they could not be persuaded to give their assent in parliament, that the king should have all the revenues of the monasteries, which had been suppressed, to his sole use. Gardiner, bishop of Winchester, and the rest of the Popish faction, took this opportunity to insinuate themselves, by their hypocrisy and flattery, into the king's favour, and to incense him against the archbishop.

This occasioned the king's zeal in pressing the bill containing the six articles, by which none were allowed to speak against transubstantiation, on pain of being burnt as heretics, and forfeiting their goods and chattels, as in cases of treason; it was also made felony and forfeiture of lands and goods, to defend the communion in both kinds, or marriage of the clergy, or those who had vowed celibacy, or to speak against private masses and auricular confession.

The archbishop argued boldly in the house against the six articles, three days together, and that so strenuously, that though the king was resolute in passing the act, he desired a copy of his reasons against it, and shewed no resentment against him for his opposition to it, but sent the dukes of Norfolk and Suffolk, and Lord Cromwell, to assure him of the continuance of his esteem and favour.

In 1540, the king issued out a commission to the archbishop and a select number of bishops, to inspect into matters of religion, and explain some of its chief doctrines. The bishops drew up a set of articles favouring the old Popish superstitions, and, meeting at Lambeth, vehemently urged the archbishop, that they might be established, it being the king's will and pleasure; but neither by fear nor flattery could they

prevail on this truly sincere man to consnet to it: though it happened at a time when his friend the Lord Cromwell lay in the Tower, and he himself was supposed daily to lose ground in his majesty's favour. Relying on the justice of his cause, he went to the king, expostulated with him, and so wrought upon his mind, that he joined with the archbishop against the rest of the commissioners, and the book of articles was passed according to Cranmer's judgment.

After the fall of Lord Cromwell, Bishop Gardiner was daily plotting his destruction, and having procured one Sir John Gostwicke to accuse the archbishop in parliament, of encouraging novel opinions, and making his family a nursery of heresy and sedition, divers lords of the privy-council moved the king to commit the archbishop to the Tower. His majesty perceiving there was more malice than truth in these clamours against the archbishop, one evening, under pretence of diverting himself upon the water, ordered his barge to be rowed to the Lambeth side. The archbishop's servants having acquainted their master of his majesty's approach, his lordship came to the water-side, to pay his respects to the king, and to invite him into his palace.

The king commanded him to come into the barge, and made him sit down close by him; and when Cranmer had obeyed his majesty's command, he began to complain to him of the nation's being overrun with heresy and new notions of divinity; to put a stop to which, his majesty told him, he was resolved to seek after the grand incendiary, and to take him off by some exemplary punishment. Though Cranmer divined the meaning of the question, yet he freely, and without the least appearance of concern, replied, that his majesty's resolution was greatly to be commended, and that not only the prime incendiary, but also the rest of the factious heretics, ought to be made public examples; but he cautioned the king not to charge those with heresy, who made the inspired writings the rule of their faith, and could prove their doctrines by clear testimonies from the word of God.

Upon this the king came to the point, and told him,

that he had been informed that he was the grand incendiary, who encouraged heresy and heterodoxy, and that his authority had occasioned the six articles to be so publicly contested in his province. The archbishop modestly replied, that he could not acknowledge himself to be of the same opinion, with respect to those articles, as he had declared, when the bill was passed, though he was not conscious of having offended against the act.

The king, putting on an air of pleasantry, asked him whether his bed-chamber would stand the test of those articles; the archbishop honestly confessed that he was married in Germany, during his embassy at the emperor's court, before his promotion to the see of Canterbury; but, at the same time, assured his majesty, that on passing that act, he had parted with his wife, and sent her abroad to her friends. The king was pleased with his free and unreserved reply, assured him of his favour, told him of the information preferred against him, and of the parties who pretended to make it good. At length his majesty generously told him, that since his unguarded simplicity rendered him less cautious than he ought to be, he would suggest to him the means of his preservation.

"To-morrow," said the king, "you will be sent for to the privy-council; and ordered to prison; upon this you are to request, that since you have the honour to be one of the board, you may be admitted into the council, and your informers brought face to face, and then, if you cannot clear yourself, you are willing to go to prison: if this reasonable request is denied you, appeal to me, and give them this sign that you have my authority for so doing." The king then took a ring off his finger, gave it to the archbishop, and dismissed him.

The next morning, Cranmer was summoned to the privy-council, and when he came, was denied admittance into the council-chamber. But his majesty, incensed that the primate of all England should be treated in so contumelious a manner, immediately sent to command them to admit him into the council-chamber.

At his entrance he was saluted with a heavy accusa-

tion of having infected the whole realm with heresy, and ordered to be committed to the Tower, till this charge was thoroughly examined.

The archbishop desired to see the informers, and to have the liberty of defending himself before the council, and not to be committed to prison on bare suspicion. But that being absolutely denied him, and finding that neither arguments nor entreaties would avail, he appealed to the king, and producing the ring he had given him, put a stop to their proceedings.

When they came before the king, he severely reprimanded them, expatiated on his obligations to Cranmer for his fidelity and integrity, and charged them, if they had any affection for him, to express it by their behaviour to the archbishop.

The archbishop finding the juncture somewhat favourable, argued against the sanguinary act of the six articles in the parliament-house, and pressed for a mitigation of its severity, with such strength of reasoning, that the king and lords-temporal agreed to moderate the rigour of the statute.

Soon after King Henry prepared for an expedition against France, and ordered a litany to be said for a blessing on his arms; the archbishop prevailed with him to let it be set forth in English, assuring his majesty that the service in an unknown tongue rendered the people negligent in coming to church.

On the 28th of January, 1547, Henry paid the debt of nature, and was succeeded by his only son Edward. Cranmer was one of those whom the king nominated for his executors, and who were to take the administration of the government into their hands, till Edward arrived at the age of eighteen years. Henry, who died in the Roman communion (though his imperfections are so freely charged on the reformation by the Papists) had, in his will, left six hundred pounds per annum for masses for his soul, with provision for four solemn obits every year, but, by the influence of the archbishop, that superstitious part of his will, notwithstanding his strict and solemn charge for its execution, was neglected.

On the 20th of February, the coronation of Edward

was solemnized at Westminster Abbey. The ceremony was performed by Archbishop Cranmer, who made an excellent speech on the occasion.

This speech had so great an effect on the young king, that a royal visitation was resolved on, to rectify the disorders of the church, and reform religion. The visitors had six circuits assigned them, and every division had a preacher, whose business it was to bring off the people from superstition, and dispose them for the intended alterations.

On November 5, 1547, a convocation was held at St. Paul's, which the archbishop opened with a speech. In this convocation, the communion was ordered to be administered in both kinds, and the lawfulness of the marriage of the clergy affirmed by a great majority.

In the latter end of January, the archbishop wrote to Dr. Bonner, to forbid, throughout his diocese, the ridiculous processions which were used in the Popish times, on Candlemas-day, Ash-Wednesday, and Palm-Sunday, and to cause notice thereof to be given to the other neighbouring bishops, that they might do the same.

He was also one of the committee appointed to inspect the offices of the church, and to reform them according to scripture, and the purest antiquity, and by them a new office for the holy communion was drawn up and set forth by authority.

This year, also, were published the archbishop's catechism, intituled, "A short Instruction in Christian Religion, for the singular profit of Children and Young People," and a Latin Treatise of his, against unwritten verities.

The licence which was now given to men of learning and judgment freely to preach and write against the Popish corruptions, began to be abused by men of great confidence and gross ignorance, who took this opportunity to spread many pernicious errors.

One Joan Bocher continuing deaf to all arguments, and obstinately persisting in her principles, the archbishop thought it necessary to make her an example, to terrify others; and, therefore, having first excommunicated, delivered her over to the secular power, upon which *she was condemned to be burnt.*

The young king long withstood signing the warrant for her execution, and when over-awed by the authority and reasoning of Cranmer, he, with tears in his eyes, said to him, "My lord, if I do amiss in this, you must answer for it to God."

In 1549, the Popish faction broke out into a dangerous rebellion, of which Bishop Bonner was suspected to be a secret abettor, and a commission was accordingly issued out to Cranmer, Ridley, and others, to proceed against him. The archbishop bore with his insolence no less than seven successive sessions, when finding him incorrigible, and that he was resolved not to answer to the articles alleged against him, but rather to revile his judges, he, in the name of the rest of the commissioners, pronounced him *contumax*, and proceeded to the sentence of deprivation.

The next year Bishop Gardiner also, for his obstinate opposition to the reformation, was cited before the archbishop, and the rest of the commissioners, and at length deprived, after they had borne with his insolence no less than two and twenty sessions, at different places, from the 15th of December to the 14th of February.

In 1551, the archbishop published his "Defence of the true Catholic Doctrine of the Sacrament of the Body and Blood of our Saviour Christ." He had now, by the advice and assistance of the Bishop Ridley, overcome those strong prejudices under which he had long laboured, concerning the corporeal presence.

The next material occurrence in the life of this eminent divine, was the publication of the forty-two articles of religion, which, with the assistance of Bishop Ridley, he drew up for preserving and maintaining the purity and unity of the church. They were also revised by several other bishops and learned divines, and after their corrections, further enlarged and improved by Cranmer. These articles were agreed to by the convocation in 1552, and were published the following year by royal authority, both in Latin and English.

The archbishop had formed a design, in the reign of the late king, to review and purge the old Canon Law from its Popish corruptions, and in this reign he resumed his design, and procured a commission from the

king, for himself and other learned divines and lawyers, diligently to examine into the old church-laws, and compile such a body of canons as they thought most expedient to be used in ecclesiastical courts, and most conducive to order and good discipline.

The archbishop prosecuted this noble undertaking with great vigour, and took the principal part in it: but, when a correct and complete draught was finished and prepared for the royal assent, the unhappy death of the king baffled this great design, and prevented its confirmation; but this book was published by Archbishop Parker, in the year 1571, under the title of "*Reformatio Legum Ecclesiasticarum.*"

Soon after the accession of Mary, a report was raised, that Archbishop Cranmer, in order to make his court to the queen, had offered to restore the Latin service, and that he had already said mass in his cathedral church of Canterbury. To vindicate himself from this vile and base aspersion, he published a declaration, in which he not only cleared himself from the imputation, and offered publicly to defend the English liturgy, and prove it consonant to scripture and the purest antiquity, but, at the same time, challenged his enemies to a disputation.

The declaration soon fell into the hands of the council, who sent a copy of it to the queen's commissioners, by whom the archbishop was immediately sent for and examined.

Cranmer owned the declaration, but complained that it had, contrary to his desire, stolen abroad in so imperfect a condition; for his design was to review and correct, and then having affixed his seal, to fix it up at St. Paul's, and on all the church-doors in London.

This bold and extraordinary confession so irritated the council, that they sent the archbishop to the Tower, there to be confined, till the queen's pleasure concerning him was known.

In the middle of November, Archbishop Cranmer was attainted by the parliament, and adjudged guilty of high-treason, at Guildhall. His see was hereupon declared void, and, on the tenth of December, the dean and chapter of Canterbury gave commissions to several

persons to exercise archiepiscopal jurisdiction in their name, and by their authority.

The queen pardoned the treason, but to gratify Gardiner's malice, and her own implacable hatred against him for her mother's divorce, orders were given to proceed against him for heresy.

In April, 1554, the archbishop, with the bishops Ridley and Latimer, were removed from the Tower to Windsor, and from thence to Oxford, to dispute with some select persons of both universities.

At the first appearance of the archbishop in the public-school, three articles were given him to subscribe, in which the corporeal presence, by transubstantiation, was asserted, and the mass affirmed to be propitiatory for the sins of the living and the dead. These he declared to be vile falsehoods, and promised to give an answer concerning them in writing.

Accordingly he drew them up, and when he was brought to the schools to dispute, he delivered the writing to Dr. Weston, the prolocutor.

At eight in the morning the disputation began, and lasted till two in the afternoon, during which time the archbishop constantly maintained the truth with great learning and force, against a multitude of clamorous and insolent opposers. Three days after, he was again brought forth to oppose Dr. Harpsfield, who was to respond for his degree in divinity: here he acquitted himself so well, clearly showing the gross absurdities and inextricable difficulties of the doctrine of transubstantiation, that Weston himself, though a great bigot, could not but dismiss him with commendation.

On the 20th of April, Cranmer was brought to St. Mary's, before the queen's commissioners, when refusing to subscribe, he was pronounced a heretic, and sentence of condemnation was read against him as such.

Upon this the archbishop told them, that he appealed from their unjust sentence and judgment, to the judgment of the Almighty, and that he trusted to be received to his presence in heaven, for maintaining the truth of whose spiritual presence at the altar he was there condemned.

His servants were now dismissed from their attend-

ance, and himself closely confined in prison. On the close of this year, a Popish convocation met, and did Dr. Cranmer the honour to order his book of the sacrament to be burnt, in company with the English Bible and Common-prayer Book.

Cranmer, in the mean time, spent his melancholy hours in writing a vindication of his treatise concerning the Eucharist, from the objections of Gardiner, who had published a book against it, under the feigned name of "*Marcus Antonius Constantius*." Many learned men of the Romish persuasion came to visit him in prison, and endeavoured, by disputations and conferences, to persuade him over to their church, but in vain.

In 1555, a new commission was sent from Rome, for the trial of Archbishop Cranmer for heresy, the former sentence against him being void in law, because the authority of the pope was not then re-established. The commissioners were Dr. Brooks, bishop of Gloucester, the pope's delegate, Drs. Storie and Martin, of the civil law. They met at St. Mary's church, and, being seated on the high-altar, commanded the archbishop to be brought before them.

To the queen's commissioners, as representing the supreme authority of the nation, he paid all due respect, but absolutely refused to shew any to the pope's delegate, lest he should seem to make the least acknowledgment of his usurped supremacy.

The articles contained a charge of perjury, incontinence, and heresy; first, on account of his opposition to the Papal tyranny, the second in respect to his marriage, and the last, on account of the reformation in the late reign, in which he had the chief hand.

The archbishop having liberty to speak, after he had repeated the Lord's Prayer and the Creed, began with a justification of his conduct, in relation to his renouncing the pope's supremacy; the admission of which he proved, by many instances, to be contrary to the natural allegiance of the subject, the fundamental laws of the realm, and the original constitution of the Christian church; and, in the close, he boldly charged Brooks with perjury, for sitting there by the pope's authority, which he had solemnly adjured.

Brooks endeavoured to vindicate himself, and retort the charge on the archbishop, by pretending that he was seduced by him to take the oath; but this Cranmer told him was a gross falsehood; the pope's supremacy having received the said blow from his predecessor, Archbishop Warham; by whose advice King Henry had sent to both the universities, to examine what foundation it had in the word of God; to which they replied, and gave it under their seal, that, by the word of God, the supremacy was vested in the king, not in the pope; and that Brooks had then subscribed this determination, and therefore wronged him in pretending that he was seduced by him.

At this, Brooks was greatly incensed, and exclaimed, "We came to examine you, and I think you examine us."

Dr. Storie then began to rail at the archbishop in an indecent manner, for excepting against the authority of his judge, and moved Bishop Brooks to require from him a direct answer to the articles whereof he stood accused; or if he continued to deny the pope's authority, and to decline answering, to pronounce sentence against him.

After this, Dr. Martin had a short conference with him concerning the supremacy, and the doctrine of the Eucharist, when they proceeded to demand his answer to certain points concerning the crimes laid to his charge, to which he replied, in so full and satisfactory a manner, that Brooks thought himself obliged to make another speech to remove the impression his defence might have made upon the people.

Soon after this, the archbishop was cited to appear at Rome within fourteen days, and there to answer in person; to this he replied, that he would very willingly consent, if the queen would grant him permission to go to Rome, and justify the reformation to the pope's face.

But this citation was mere mockery, for he was kept all that time in close confinement, and yet, at the expiration of the fourscore days, declared *contumax*, for wilfully absenting himself from Rome, whither he was legally summoned, and then degraded.

The February following, a new commission from the pope being given to Bishop Bonner and Bishop Thirlby,

for the degradation of Archbishop Cranmer, they went down to Oxford, and he was brought before them.

Having read their commission from the pope, Bonner grossly insulted him, but he was severely reprimanded by Bishop Thirlby. In the commission it was declared that the cause had been impartially heard at Rome, the witnesses, on both sides, duly examined, and the archbishop's council allowed to make the best defence for him they could: at reading this, Cranmer exclaimed, "Good God, what lies are these, that I, being continually in prison, and not suffered to have counsel or advocate at home, should produce witnesses and appoint my council at Rome! God must certainly punish this open and shameless lying." When Bonner had finished his invective against him, they proceeded to degrade him; and, to render him as ridiculous as possible, an episcopal habit which they put on him was made of canvas and old rags.

Then pulling out of his sleeve a written appeal, he delivered it to them, saying, "I appeal to the next general council." When they had degraded him, they clothed him in the meanest garb, and delivered him over to the secular power.

While he continued under confinement, no endeavours were omitted to win him over to the church of Rome. At length, however, the Papists concerted a stratagem, which prevailed with him to comply for a time with their desire. They removed him from prison to the apartments of the dean of Christ-church, treated him with the greatest civility and respect, and made him great promises of the queen's favour, with many other honours and preferments, if he would recant.

The copy of the archbishop's first subscription ran thus:—

"Forasmuch as the king's and queen's majesties, by consent of their parliament, have received the pope's authority in this realm, I am content to submit myself to their laws herein, and to take the pope for the chief head of this church of England, so far as God's laws, and the laws and customs of this realm, will permit.

"THOMAS CRANMER."

This paper was immediately sent up to the queen and council; but, being not satisfactory, another was offered

him to subscribe, in fewer words, but more full, and with less reserve, and was as follows:

"I, Thomas Cranmer, doctor in divinity, do subscribe myself to the Catholic church of Christ, and unto the pope, supreme head of the same church, and to the king's and queen's majesties, and unto all their laws and ordinances.

"THOMAS CRANMER."

This also being thought too brief and ambiguous, a third, yet fuller and more express, was required of him, which was this:

"I am content to submit myself to the king's and queen's majesties, and to all their laws and ordinances, as well concerning the pope's supremacy, as others; and I shall, from time to time, move and stir all others to do the like, to the uttermost of my power; and to live in quietness and obedience to their majesties, most humbly, without murmur, or grudging, against any of their holy proceedings. And for my book which I have written, I am content to submit to the judgment of the Catholic church, and the next general council.

"THOMAS CRANMER."

This, like the rest, not giving satisfaction, was immediately followed by a fourth, in these words, viz.

"Be it known, by these presents, that I, Thomas Cranmer, doctor of divinity, and late archbishop of Canterbury, do firmly, stedfastly, and assuredly believe in all articles and points of the Christian religion and Catholic faith, as the Catholic church doth believe, and hath believed from the beginning. Moreover, as concerning the sacraments of the church, I believe unfeignedly in all points, as the said Catholic church doth and hath believed from the beginning of Christian religion. In witness whereof I have humbly subscribed my hand to these presents, the 18th day of February, in the year 1555.

"THOMAS CRANMER."

As an evidence, among many others, of the weakness of so great a man, Cranmer was finally prevailed upon to sign a recantation according to the following form:—

"I, Thomas Cranmer, late archbishop of Canterbury, do renounce, abhor, and detest, all manner of heresies and errors of Luther and Zuinglius, and all other teachings which be contrary to sound and true doctrine. And I most constantly in my heart, and with my mouth, do confess one holy Catholic church, visible, without which there is no salvation: and, therefore, I acknowledge the bishop of Rome to be the supreme head on earth, whom I acknowledge to be the highest bishop and pope, and Christ's vicar, unto whom all Christian people ought to be subject.

“ And as concerning the sacraments, I believe and worship in the sacrament of the altar, the very body and blood of Christ, being contained in, and most truly, under the forms of bread and wine, the bread through the mighty power of God being turned into the body of our Saviour Jesus Christ, and the wine into his blood.

“ And in the other six sacraments also, (like as in this) I believe and hold as the universal church holdeth, and the church of Rome judgeth and determineth.

“ Furthermore, I believe that there is a place of purgatory, where souls departed are punished for a time; for whom the church doth godly and wholesomely pray, like as it doth honour saints, and make prayers to them.

“ Finally, in all things I profess, that I do not otherwise believe than the Catholic church and the church of Rome holdeth and teacheth. I am sorry that ever I held or thought otherwise. And I beseech Almighty God, that of his mercy he will vouchsafe to forgive me whatever I have offended against God or his church; and also I desire and beseech all Christian people to pray for me.

And all such as have been deceived, either by mine example or doctrine, I require them, by the blood of Jesus Christ, that they will return to the unity of the church, that we may be all of one mind, without schism or division.

“ And to conclude, I submit myself to the Catholic church of Christ, and to the supreme head thereof; so I submit myself unto the most excellent majesties of Philip and Mary, king and queen of this realm of England, &c. and to all their laws and ordinances, being ready always, as a faithful subject, to obey them. And God is my witness that I have not done this for favour or fear of any person, but willingly and of mine own mind, as well to the discharge of my own conscience, as to the instruction of others.

“ THOMAS CRANMER.”

Witness { HENRY SYDALL,
JOHN DE VILLA GARCINA.

Having thus far wrought him into compliance, they grew more open, and called upon him to renounce and anathematize all Lutheran and Zuinglian heresies and errors, and to acknowledge the unity of the mother-church, and supremacy of the pope, to whom all Christians should be implicitly subject. Then followed the above confession of faith in the doctrine of transubstantiation, the seven sacraments, purgatory, and all the Romish superstitions in general; with a prayer of forgiveness of his past heresies, and a request that all who had, by his means, been seduced therefrom, might return to the unity of the holy mother-church.

Not deeming this confession sufficient, they caused a sixth to be drawn up in the most express terms, ac-

knowledging all the popish corruptions, and containing a most grievous accusation of himself as a blasphemer, an enemy to the church, a destroyer of souls, deserving of the acutest torments here, and eternal damnation hereafter.

Even this he subscribed, not suspecting the design of the papists, who determined, at all events, to take him off, and had even signed the warrant for his execution.

As the sentence formerly passed against him was invalid, because the papal supremacy was not then admitted in England, a new commission was dispatched from Rome for the trial of Dr. Cranmer. Accordingly, on the 17th of March he was brought before the commissioners in St. Mary's church, at Oxford, dressed in his clerical habit, and thus cited by one of the proctors :

"Thomas, archbishop of Canterbury, appear, and answer to that which shall be alleged to thy charge, namely, blasphemy, incontinence, and heresy. Answer now before the bishop of Gloucester, representing the pope's person."

Cranmer having obtained permission to answer for himself, kneeled, said the Lord's Prayer, arose, and repeated the Apostle's Creed, which done, he made the following protestation in form :—

"This I do confess, as touching my faith, and make my protestation, which I desire you to note ; I will never consent that the bishop of Rome shall have any jurisdiction in this realm."

A note was taken of this protestation, and Dr. Cranmer, being warned to observe his denial of that authority by which he then continued to live, being otherwise attainted of high-treason, and a dead man by the laws of this realm, declared, in the presence of all the commissioners, that he was no traitor ; and proceeding in his defence, said, that he could not allow of the pope's authority in England, for he had taken an oath to King Henry VIII. as supreme head of the church in his dominions, and the king was chief by the holy scriptures, in his own realm ; and this was argued and agreed to by both the universities, and he spoke largely against the pope's authority in this kingdom.

The following articles were then exhibited against the archbishop in form :—

“ It was objected, that he being yet free, and before he entered into holy orders, married one Joan, at the Dolphin, in Cambridge.

This he granted.

“ That after the death of his aforesaid wife, he entered into holy orders, and was afterwards made archbishop by the pope.

He replied, that having received a certain bull from the pope, he delivered it to the king, by whom he was made archbishop.

“ That he, being in holy orders, married another woman, as his second wife, named Ann, and so was twice married.

This he granted.

“ That in the reign of King Henry VIII. he kept the said wife secretly, and had children by her.

This he denied not, affirming, that it was better for him to have his own wife, than, like many hypocritical priests, to hold and keep the wives of others.

“ That in the time of King Edward VI. he brought forth the said wife, openly affirming and professing publicly the same to be his wife.

This he also owned, because then it was lawful, and allowed him by the laws of the realm.

“ That he had openly boasted of having had his wife in private many years.

And though he did so, he said there was no cause for which he should be ashamed.

“ That falling into divers damnable errors and heresies, he rejected and contemned the authority of the church; opposed the doctrine of the real presence in the sacrament of the altar; and compiled, and disposed divers books contrary to the tenets of the holy mother church.

When the names of the books were recited in their respective order, he denied not those books of which he was the author; but declared concerning the heresy of Peter Martyr upon the sacrament, that he never saw it abroad, though he well approved of his sentiments on that subject.

He acknowledged the book of Articles, with the book against the bishop of Winchester, to be his writing.

“ That he compelled many against their wills to subscribe to the same articles.

He confessed that he exhorted, but compelled none against their will to subscribe.

“That as he persisted in perpetrating enormous crimes, he was therefore committed to the Tower, and from thence brought to Oxford, at the time in which the parliament was usually assembled there.

To this he replied, that he knew of no enormous crimes of which he had been guilty.

“That in the said city of Oxford, he openly maintained his heresy, and was convicted upon the same.

He acknowledged that he defended the cause of the sacrament there, but denied that he was convicted of the same.

“That persisting in the same, he was, by the public censure of the University, pronounced an heretic, and his books to be heretical.

He confessed that he was denounced an heretic, but denied the validity of the charge.

“That he was a notorious schismatic, and had not only seceded from the Catholic church and see of Rome, but also moved the king and subjects of this realm to do the same.

He granted that he had seceded, but that his seceding only from the see of Rome was by no means schismatical.

“That he had been twice sworn to the pope, and Dr. Martin had produced the instrument of the public notary, wherein was contained his protestation, made at the time of his consecration.

To this he said, he did nothing but what was justifiable by the laws of the realm.

“That he had not only offended in the above-mentioned instances, but most flagrantly insulted the Papal supremacy, in consecrating bishops and priests without leave or licence from the holy see.

He granted, that he had executed such things as were to be referred to the pope, at the time when he was permitted so to do by the public laws and determinations of the realm.

“That when the whole realm had subscribed to the authority of the pope, he alone persisted in his non-conformity.

That he admitted not the papal supremacy he confessed, but denied that he erred in the same.

“That all and singular the premises be true.”

That he also granted, excepting those things to which he had now answered.

The witnesses against the archbishop having been produced, and sworn to declare the next day whatever they knew concerning the heresies alleged against him, Dr. Storie permitted him to except against any of them; when the archbishop excepted in general against them, as then perjured, and not in the Christian religion; "for," said he, "if to swear against the pope were unlawful, they should have rather given their lives than their oaths: but if it were lawful, then they are perjured in defending him whom they abjured before."

As a terror and example to others, the convocation now caused his former recantation to be published, and transmitted one of the copies to the queen, who, notwithstanding his compliance with the terms of the court, from an implacable hatred to him, resolved on his death, and that he should be executed, not as a traitor but a heretic, and accordingly dispatched her commands to Dr. Cole to prepare a sermon for the occasion, which was fixed on the 21st of March.

Orders were also sent to divers officers of the peace, to assemble at Oxford on that day, to prevent any tumults that might arise on account of this treatment of so popular a man. Words cannot express the horrors which now shook the very soul of Cranmer, destitute of even a glimmering hope of life, and torn by conscious guilt for denying his own cause, in weakly signing a recantation.

The morning preceding the day of his execution, he was visited by Dr. Cole, on a pretence of enquiring whether he continued in the faith he had lately professed; but Cranmer made an evasive reply, telling him, he was determined to abide in the Catholic faith.

On the morning of the fatal day, Cole came to him, enquired if he had any money, and on his answering in the negative, presented him with fifteen crowns, but gave him not the least intimation of his approaching death, exhorting him to continue stedfast in the faith which he had professed.

The same morning he was visited by a Spanish friar, who had been witness to his recantation, and then brought a paper containing articles to be written and signed by Cranmer, who complied with the order. When

the friar departed, Dr. Cranmer wrote a prayer, and an exhortation, which he determined to repeat to the people before he made the last profession of his faith.

At nine in the morning of the 21st of March, 1556, the commissioners appointed to see the sentence executed, arrived at Oxford, whither a numerous concourse of people repaired to behold the tragical scene. Cranmer was brought from prison in solemn state, preceded by the mayor and aldermen, and walked between two friars toward St. Mary's church, the friars repeating psalms in Latin, alternately, as they passed.

As soon as they entered the church they began the song of Old Simeon, in Latin, *Nunc dimittis*, &c. and then conducted Cranmer to a place raised above the floor, and opposite to the pulpit. He was cloathed in a threadbare gown, and vilely insulted by the bigoted part of the mob, while the more candid and humane beheld him with the utmost pity.

When he came to the part of the church where he was appointed to stand, he lifted up his eyes to heaven, and continued in earnest prayer, till Cole mounted the pulpit and began the sermon he was ordered to compose for the occasion.

At the close of this discourse he addressed himself to Cranmer, exhorted him patiently to submit to his sentence, to rely on the mercy of God, and assured him that Christ would receive him to favour as he did the penitent thief, promising him also that masses should be said for his soul in all the churches of Oxford.

During the course of the sermon, Cranmer indicated the most pungent distress of mind and confusion of soul, lifting his eyes to heaven to implore forgiveness, and casting them towards the earth as if abashed by conscious guilt, to seek pardon for so atrocious a crime as that of denying the truth as it is in Jesus, and setting his hand to the corruptions of the Roman church.

Dr. Cole having finished his sermon, or rather occasional harangue, thus addressed the audience:—

“Brethren, lest any man should doubt of this man's earnest conversion and repentance, you shall hear him speak before you.”

“And, therefore, I pray you, Mr. Cranmer, that you will now

perform what you promised not long ago, namely, that you will openly express the true and undoubted profession of your faith, that you may take away all suspicion from men, and that all men may understand that you are a Catholic indeed."

I will do it, said Cranmer, with a good will. Then rising up, and putting off his cap, he began to speak to the people after this manner:—

"Good christian people, my dearly beloved brethren and sisters in Christ, I beseech you most heartily to pray for me to Almighty God, that he will forgive me all my sins and offences, which be many without number, and great without measure. But yet one thing grieveth my conscience more than all the rest, of which you shall hear more afterwards.

"But how great, or how many my sins be, I beseech you to pray to God of his mercy to pardon and forgive them all."

And here, kneeling down, he said:

"O Father of Heaven! O Son of God, Redeemer of the world! O Holy Ghost, three persons and one God, have mercy upon me, most wretched caitiff and miserable sinner! I have offended both against heaven and earth more than my tongue can express: whither then may I go, or whither shall I flee! to heaven I may be ashamed to lift up mine eyes, and on earth I find no place of refuge or succour. To thee, therefore, O Lord, do I run; to thee do I humble myself. O Lord, my God, my sins be great, but yet have mercy upon me for thy great mercy. The great mystery, that God became man, was not wrought for little or few offences. Thou didst not give thy son, O Heavenly Father, unto death for small sins only, but all the greatest sins of the world: so that the sinner return unto thee with his whole heart, as I do here at this present. Wherefore have mercy upon me, O God, whose property is always to have mercy; have mercy upon me, O Lord, for thy great mercy's sake. I crave nothing, O Lord, for my own merits, but for thy name sake, that it may be hallowed thereby, and for thy dear son, Jesus Christ's sake, &c. And now, therefore, 'Our Father in heaven, hallowed be thy name, &c.'"

Then rising up, he said:

"Every man, good people, at the time of death, desires to give some good exhortation, that others may remember the same before their death, and be the better thereby; so I beseech God to grant me grace, that I may speak something at this my departure, whereby God may be glorified and you may be edified.

"First, It is an heavy case to see people dote so much on this false world, and be so careful for it that they regard not the love of God, nor the world to come. Therefore, my first exhortation shall be, that you set not your minds over-much upon this flattering world, but upon God and the world to come; and learn to know what this lesson meaneth, which St. John teacheth, 'That the love of this world is enmity with God.'

“The second exhortation is, that next under God, you obey your king and queen, willingly and gladly, without murmuring or grudging, not for fear of them only, but much more for the fear of God; knowing that they be God’s ministers, appointed by God to rule and govern you, and, therefore, whosoever resisteth them, resisteth the ordinance of God.

“The third exhortation is, that you love one another like brothers and sisters: for, alas! what pity is it to see what contention and hatred one Christian man beareth to another, not taking each other for brother and sister, but as strangers and mortal enemies. But I pray you to learn, and bear well away this lesson, to do good unto all men as in you lieth, and to hurt no man, no more than you would hurt your own loving brother or sister; for this you may be sure of, that whosoever hateth any person, or goeth about maliciously to hinder or hurt him, surely, and without all doubt, God is not with that man, although he thinks himself never so much in God’s favour.

“The fourth exhortation shall be to them that have great substance and riches in this world: they should well weigh and consider three sayings of the scripture; one is of our Saviour Christ himself, who saith, ‘It is hard for a rich man to enter the kingdom of heaven.’ The second is of St. John, ‘He that has this world’s good, and seeth his brother have need, and shutteth his compassion towards him, how dwelleth the love of God in him?’ The third is of St. James, who speaking to the covetous rich man after this manner: ‘Weep and howl, ye rich men, for the misery that shall come upon you; your riches do corrupt; the garments are moth-eaten, and your silver and gold do rust, and the rust of them do witness against you, and shall eat your flesh like fire: you treasure up God’s wrath against you for the last day.’

“Let them that be rich ponder well these three sentences; for if ever they had occasion to shew their charity, they have it now at this present, the poor being so numerous, and provision so dear,

“And now, forasmuch as I come to the end of life, whereupon dependeth all my life past, and all my life to come, either to live with my master Christ for ever in joy, or else to be in pain for ever with wicked devils in hell; and I see before mine eyes presently, either heaven ready to receive me, or else hell ready to swallow me up; I shall, therefore, declare unto you my very faith, how I believe, without any colour or dissimulation, whatever I have said or written in time past.

“First, I believe in God the Father Almighty, maker of heaven and earth, &c. And I believe in every article of the Catholic faith, every word and sentence taught by our Saviour Jesus Christ, his apostles and prophets, in the Old and New Testament.

“And now I come to the great thing that troubles my conscience, more than any thing I ever said or did in my whole life: and that is, the setting abroad a writing contrary to truth, which I now here renounce and refute, as things written with my hand, contrary to the truth, which I thought in my heart, and written

for fear of death, and to save my life, if it might be: and that is, all such bills and papers which I have signed with my hand since my degradation, wherein I have written many things untrue.*

“And forasmuch as my hand offended, in writing contrary to my heart, my hand shall first be punished therefore; for when I come to the fire, it shall be first burned.

“And as for the pope, I refute him as Christ’s enemy, and anti-christ, with all his false doctrine: and as for the sacrament, I believe as I have taught in my book against the bishop of Winchester. The which book teacheth so true a doctrine of the sacrament, that it shall stand at the last day before the judgment of God, where the Papistical doctrine, contrary thereunto, shall be ashamed to show its face.”

This ingenuous declaration of Cranmer at once confounded and amazed the populace, being an absolute refutation of what he had professed in a late extorted recantation.

The Popish part of the audience upbraided him as a dissembler; but he answered, with flowing eyes and abashed countenance, that he ever detested falsehood, loved truth and simplicity, and never in his life dissembled, but on that single occasion.

When he came to the spot where Latimer and Ridley had suffered, he kneeled, and having spent some time in prayer, stripped off his shirt, and prepared himself for the flames. His head and feet were bare, but his beard was long and thick, and, by his venerable aspect, he excited at once the respect and pity of the beholders.

Being led to the stake, he was chained, and soon encircled by the flames, which blazing around him, he stretched out his arm, and held his right hand in the flame, (the hand that had signed his recantation) which he held there so immovable, that all the spectators might see his hand, before the flames had reached his body.*

* It seems to us that any man is justified in yielding to power, which is permitted by God to overwhelm him.

† The following are the charges for burning Cranmer,

			s.	d.
For an hundred of wood-faggots	-	-	-	6 0
For an hundred and a half of fir-faggots	-	-	-	3 4
For the carriage of them	-	-	-	0 8
To two labourers	-	-	-	1 4

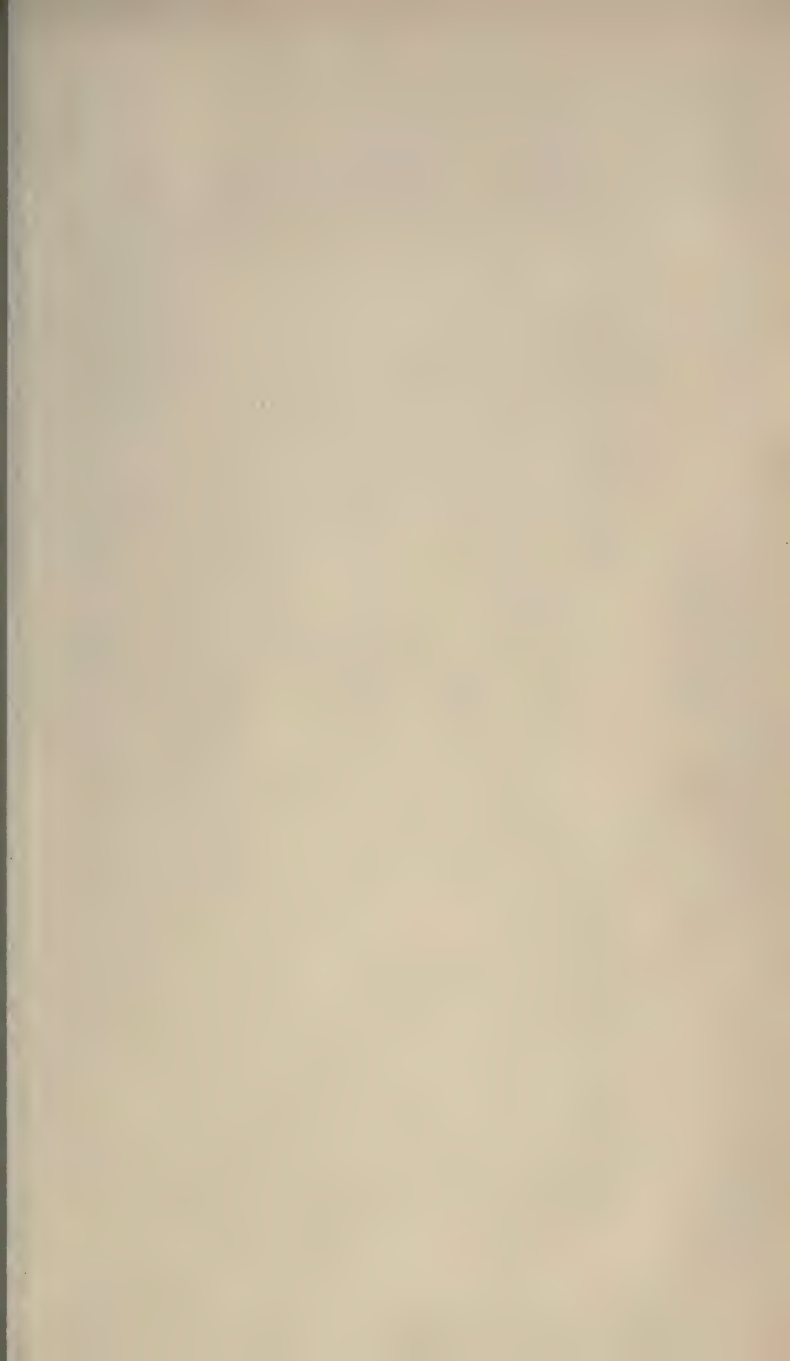
He underwent his sufferings with the utmost fortitude, lifting up his eyes to heaven, and frequently repeating "this unworthy hand, this unworthy hand," &c. crying out till his powers failed him, in the words of St. Stephen, "Lord Jesus receive my spirit."

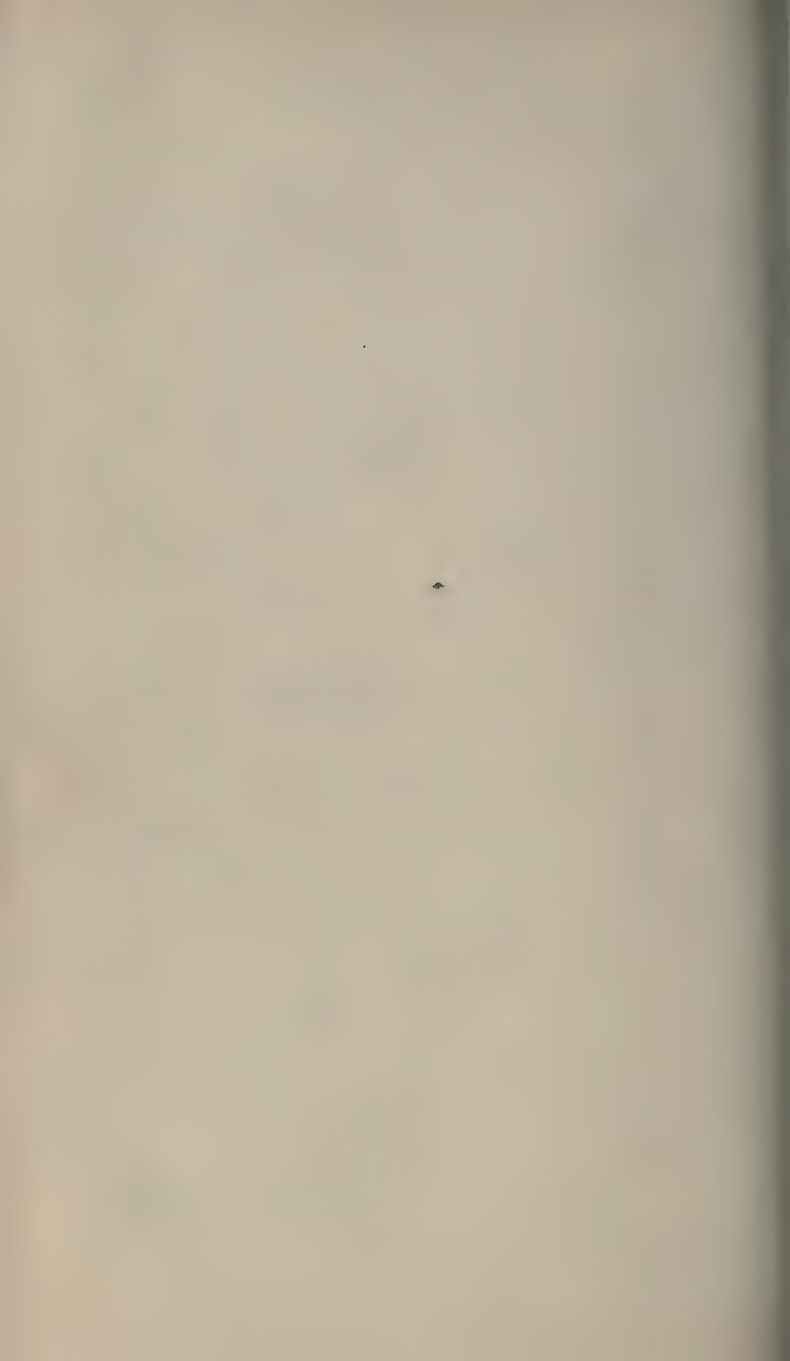
Thus terminated the life of one of the most useful and able men whom England ever knew. To his liberal views, and persevering courage, we are indebted for the reformation and the establishment of the church of England, as it has existed even to this day. His vacillations in opinion, which are ascribed to him as faults, were unavoidable results of the times in which he lived, and the conflicts which he had to maintain with arbitrary power. Nor is to be supposed that Cranmer himself, who had been educated in the bosom of the church, could, all at once, shake off the prepossessions of his youth. These he got the better of by degrees, and, as the truth opened upon his own mind, he pursued it, and laboured to effect its establishment with prudence, discretion, and wary policy. Those who object to this last quality, should recollect that he was surrounded by crafty bigots, who sought every opportunity of effecting his ruin, through the fickleness of tyranny, and the prejudices of the people. It was not his duty, and the result proves it, to play the part of a hot-headed zealot, but so to temporize with error, as ultimately to effect the success of his cause. He would have compromised every thing, and the reformation in England would never have taken place, if he had not humoured the wayward spirit of Henry VIII., while the singleness of his own purposes was demonstrated by his decided conduct under the minor king. In all this he evinced himself a great statesman and able politician, and no name in English history seems more deserving of admiration, veneration, and gratitude.

His tergiversation in the reign of Mary is charged upon him as the blackest of crimes: but we ought to remember, that he flourished in a period of great political changes; and that he might reasonably have hoped that these changes were not at an end. He knew that Elizabeth, the heir-apparent on the death of Mary, was firmly attached to the principles of the reformation;

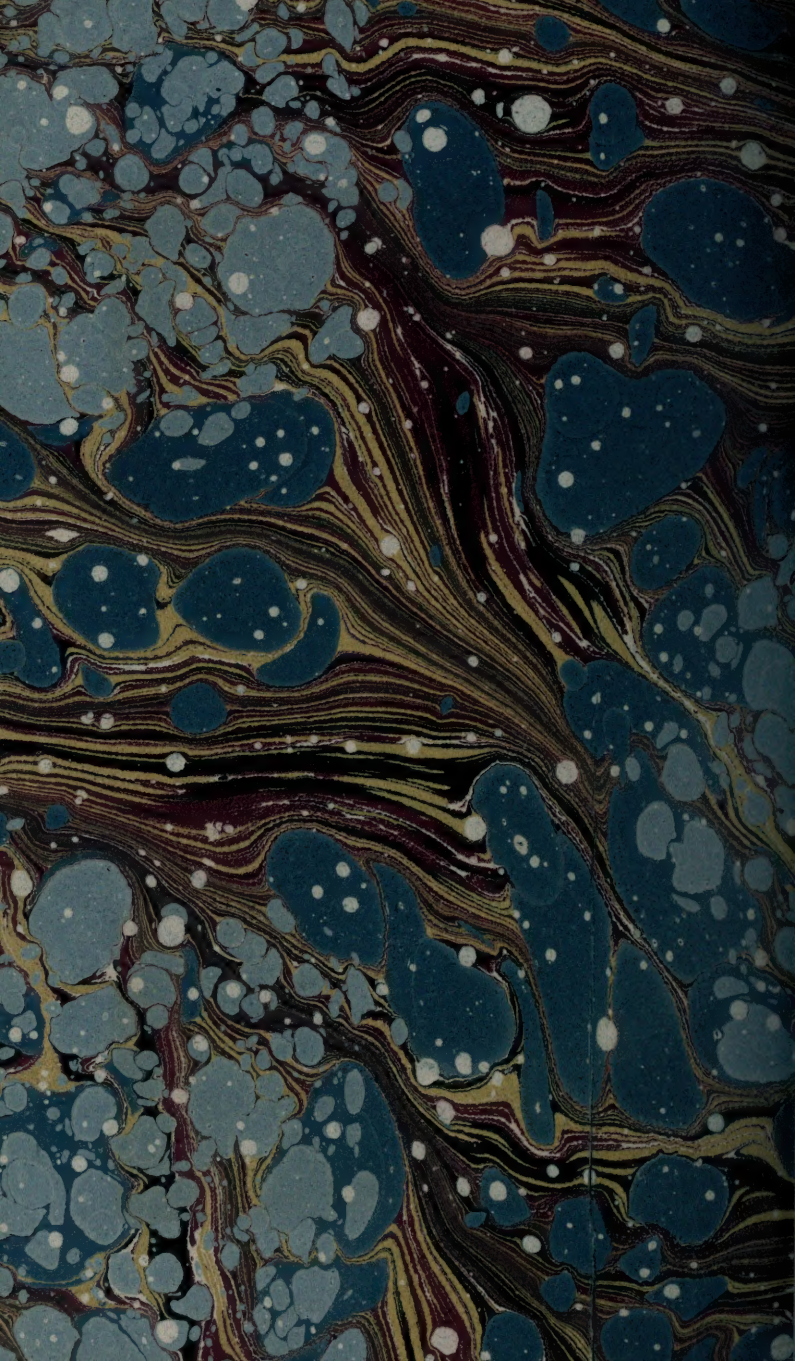
and was, moreover, his personal friend; and he must have felt, what the candour of all mankind must oblige them to feel, that a recantation, signed under circumstances of bodily fear, proved nothing for the cause of his enemies, nor any thing against his own cause. In truth, it never has been adduced either as evidence in favour of popery, nor as any admission adverse to the church of England; and in this way it would have been explained by Cranmer, if any popular insurrection had upset the power of Mary and placed Elizabeth on the throne. But as his compliance did not effect his purpose, he, doubtless, became indignant that he had been seduced, and defeated the object of the papists, by proclaiming the hand unworthy which had yielded to their violence. Cranmer was a wise, temperate, and politic man, not an infuriated zealot, who would rashly sacrifice himself in a senseless opposition; but, used to power, and accustomed to effect great objects by his personal management, he, doubtless, felt that his life was more likely to be useful to his cause than his death; and, probably, in this respect, he also felt as a man, and as all but hot-headed zealots would feel.

END OF APPENDIX TO VOL. V.









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